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# REPUBLICANISM

IN

# AMERICA:

A HISTORY OF THE

COLONIAL AND REPUBLICAN

## Governments of the United States of America,

FROM THE YEAR 1607 TO THE YEAR 1869.

TO WHICH ARE ADDED

CONSTITUTIONS, PROCLAMATIONS, PLATFORMS, RESOLUTIONS, DECISIONS OF COURTS, LAWS, MESSAGES, ADDRESSES, SPEECHES, DEBATES, LETTERS, ELECTION RETURNS, AND STATISTICS.

ALSO,

A BRIEF HISTORY OF ALL THE EXISTING REPUBLICS IN THE WORLD.

By R. GUY McCLELLAN,

(Author of *The Golden State*, etc.)

*Tenth Edition.*

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# REPUBLICANISM IN AMERICA.

## CHAPTER I.

EARLY SETTLEMENT OF THE COLONIES. — SLAVERY IN THE COLONIES. — CONFLICTING OPINIONS BETWEEN THE NORTH AND SOUTH.—SLAVERY IN THE TERRITORIES.—LOCAL PREJUDICES OF THE PEOPLE.

WHOEVER calling himself an American, standing upon the Altar of his Country's Liberties, and manifesting an indifference as to the causes which led to this marvelous Temple of Freedom, and failing to inquire *how far*, and in *what*, we are Republican, falls short of that duty devolving upon him as one of the toilers in the great vineyard of Human Freedom.

At the date of our writing, when thirty-seven States and a vast territory yet to become States, form the Union, reaching from the shores of Maine to Behring Straits in the North Pacific—all these "Sovereign States" and people, combining more activity, general enlightenment and go-aheadativeness than can be found among any other people on the earth, and exhibiting an individuality that in half a generation absorbs the multifarious customs, complexions and tongues of the thousands of exiles from all lands who seek homes here, and reconstructs them into the individualized persons of Americans, where they soon forget the place of their birth, and feel proud to acknowledge the land of their adoption as their country; where our

institutions baptize them into new life and endow them with new energies—rejoicing with us in the expanse of our territory—the might of our Armies and Navies—marching side by side with us upon the field of battle, and sharing with us the exultation of our victories; where all these harmonizing scenes present themselves, a natural inquiry arises: What relation, politically, exists between the various States in their legislative capacity—what the relation of the States to the Union—and what relation as between the Union and any and all of the States and Territories—and what measure of influence in time, and operation of the various States, have conduced to all these great national results—and what portion of the native-born or adopted citizens, as a class, have most aided in developing and perpetuating this splendid fabric of Government. A liberal and just examination of the facts as they transpire in the history of our country, where the light of truth may do justice to all, even if all do not shine equally brilliant, and probing the dark spots that have heretofore obscured the light of liberty, must have its excuse in the justness of truth.

If in this investigation I have to lead the reader over much ground already traveled by others, I hope to present enough of facts yet obscure, or inaccessible to the masses, to repay a reading of this plea, for those principles and influences that have had so prominent a part in America's Liberties.

Historians seem to agree that the American Continent was discovered by Columbus, and that early in the seventeenth century colonization of America was commenced on the James River, in Virginia, at Manhattan and New Amsterdam (now New York); and that in 1620, a ship called the *Mayflower*, with "Pil-

grims" on board, arrived at a place called Cape Cod, on the shores of the now State of Massachusetts, and that the colonization of Virginia was begun as early as the year 1607. The colonists of the two sections, although boasting of their origin in the Anglo-Saxon race, and having been born upon the soil of Britain, no sooner found themselves transplanted upon the soil of the New World, than distinct and opposite characteristics began to develop themselves, until a species of civil strife, entering largely into the political and social affairs of the Nation, had grown up between the sections of country alluded to. The institution of Slavery engendered in the people of the South a spirit of domination and vaunted superiority over those of the North, and the conflict of interests and ideas early established, expanded with the growth and development of National affairs, until a fierce antagonism upon the subject of Slavery absorbed every other interest of National legislation. The Southern representatives went to the Capital with an eye single to the preservation of the institution of Slavery, upon which severe attacks were being made by the representatives from the North or Free States.

The positions taken by the respective parties were natural, under all the circumstances. The early statesmen of the Republic met the same subject upon the threshold of the new edifice, and the corner-stone of the American Republic was laid upon the skeleton corpses of men "held to service," amidst a warring of opinions and interests, which had been widening the breach in proportion to the increase of the slave population at the South, and the free schools at the North. No reconciliation could be had, for the spirit of contention had too firmly taken hold of the two sections,

and by each breeze that fanned the fires of passion or interest, new heat was added to the volcano, whose flame burned in the heart of the Nation. This fire was fed from the active National tributaries of thirty-four States in 1860, which, although all holding their national existence under the great charter of the American Constitution, seemed to be completely out of joint with its principles, and instead of harmonizing and adjusting their laws and institutions to its letter and spirit, stood on the arena of their State Constitutions and local prejudices and proscriptions—battering out their political brains to their own discomfort and the amusement of our jealous neighbors across the water.

No subject, of whatever national importance, could attract either the attention of the people or the National Legislators, unless in some phase or other it partook of a fierce partisan spirit in the attacks upon the slave power from the North, or the bitter denunciations heaped upon those called Yankees and Abolitionists.

The Constitution became the by-word of each party, and an interpretation of its various sections; and an application of its analysis to State policy and sectional interests, degenerated the once *National* American Statesman into a violent partisan demagogue.

The growth and development of political affairs among the masses of the people, stimulated by a love of liberty, had at this date lifted the people above the control and influence of individuals. Particularly so was this the case in the Free States; there the cotter, the farmer, the lumberman, the fisherman, the mechanic, the whole mass of the people, under the Free School System, aided by the mighty power of the Press, became a thinking, reading, and earnest people—

jealous of their rights, and zealous in securing the freedom of those of whom they knew little, save that they were held in bondage. To accomplish their object of liberation demanded something more than the windy declamation of over-zealous individuals, or the spasmodic stampede of a few slaves upon the borders of the Free States. The organization of individuals into societies for the promulgation of the abolition of Slavery—the issuing of appeals through them by the Press, printed circulars, and speeches—were resorted to, and soon began to draw forth the denunciations of the people of the South, who passed laws making it a felony, punishable by death, at the discretion of the Judge, for any person to teach any negro or mulatto, or person of color, free or slave, to read or write, or to distribute any papers, books, pamphlets, or induce any conspiracy or insubordination among the slaves; and these laws, in many of the States, were carried out, even upon unoffending and innocent men of the North, particularly those engaged in the circulation of tracts, and religious pamphlets and papers, ministers of the Gospel, agents of northern newspapers, and the irrepressible Yankee bookseller, whose territory is limited only by the bounds of civilization. Many of these people unwittingly found themselves in the presence of Southern courts and judges, unaware of their offending until the inexorable law consigned them to the felon's cell or to the gallows.

No means were wanting to influence the minds of the people of the South against every body and every thing north of "Mason and Dixon's Line." A scurrilous press heaped the vilest wrath and falsehoods upon the whole institutions and people of the Free States. The youth of the South were taught to regard the

Yankees as species of itinerant vagabonds, living by plebian and servile labor—scavengers and petty jobbers, traders, peddlers, and negro-stealers—"Black Abolitionists," guilty of all manner of crime, and unfitted by nature or education to associate with respectable people. Nor did these teachings fail to have their effect. Falsehood and prejudice on both sides swelled largely the measure of gall that each party held to the lips of the other; and this feeling was not confined to any one class, but entered into the social and political affairs of both. In the latter particularly did its proportions begin to manifest signs of decided danger, when in 1860, for the first time in the history of the country, a strict party campaign for the Presidential Election was inaugurated. Every tie that bound the North and South together was at one fell swoop obliterated, and despite the efforts of reconciliation attempted, no compromise could be had, and the two sections stood facing each other, each making demands upon the other for concessions. All party lines were broken, and although each claimed to stand upon the Constitution, each charged the other with acts of violation of its sacred doctrines. Men of undecided political preferences were asked by their neighbors *which side* they intended to take *in the contest.* So, from mouth to mouth and ear to ear went over the land the acclamation that we were upon the threshold of danger.

Pro-Slavery and Abolitionism now flung the mantle from their shoulders, stepped into the arena, and without waiting to toss for choice of ground, chose their umpires, and stood in colossal form, facing each other. The negro who had been so important a feature of disorder in the affairs of the nation, no longer presented the feeble form he did, when in the year 1620, twenty

of his race were imported into Jamestown, Virginia, in a Dutch ship, and sold into Slavery (the first slaves in the Union). Their physical proportions had developed into four millions of beings, located in fifteen States of the Union, whose customs, society, Constitution and laws were inaugurated, enacted, and controlled by their interests and presence; they were the property of their masters, subject to sale and execution for debts or claims against their owners; they were a peculiar kind of merchandise, that formed a basis of representation in Congress, and a species of property necessary in many of the States in the qualifications prescribed by statute, to enable the citizen to be eligible to high political position in the State. If, then, he was merchandise, could not his owner take him with him into foreign lands? What business had England to say that as soon as a slave touched her soil he was free? What right had any State in the Union to pass "Personal Liberty Bills," and legislate to deprive gentlemen of the South of their property, if they chose to take it into any of the States? Had the States any power to impose a tax upon, or confiscate the goods and chattels of, another State? Had not a man at the South just as much right to take his merchandise into any State of the Union, as any person or any State in the Union had to take their goods into the South? Had not a citizen of the South a right to take his property into any of the Territories, and there enjoy, and there regulate his own domestic institutions as to him might seem best? Who owns this vast Territory? Did not the funds of the South, like the rest of the country, contribute to its acquisition and protection? *Have we not a right to take our property into the Territories*, and adopt a Constitution and enact laws securing to us our title

and interest in our property? *This was the hinge upon which turned the whole subject of the slave question.* Fifteen States, by their people, said that they could take their merchandise into the Territories and build up States as long as they adopted Constitutions in conformity with the laws of Congress, and Congress recognizes the Constitutions of fifteen States and their laws, and says that they are Republican in form, and can enjoy this species of property; can buy, sell, trade, import, and export into and from one State to another of any of these fifteen States, without let or hindrance. The Constitution recognizes this property. It does not prohibit us from taking such into the Territories."

Twenty-one States of the Union having, either by abolishing Slavery, or coming into the Union as Free States, proclaimed through their people that the people of the South had no right to take their Slaves into the Territories; that Slavery was not recognized there by any law of the land; that if taken there they were upon free soil, and of right ought to be free; that Congress had power to legislate upon this subject; that Slavery was a *peculiar* institution, confined by local laws to prescribed geographical limits; that if taken into a Territory and remain there until a State adopt a Constitution, and the State come in free, then all the slaves in the Territory at once, by this act, became free; that it was a curse, contrary to the law of nature; that its limits must be circumscribed, that it was antagonistical to a Republican form of government, that the country could not endure part free and part slave; that at least so far as the territories were concerned, it could not go there; that ultimately it must die out or be abated by legislation. Thus the issues were made up; and although the two sections stood generally

upon these issues, yet, individuals were found in large numbers at the North, who coincided with the people and views of the South, and so, in many of the Southern States, those who indorsed the views of the North.

Stephen A. Douglas's doctrine of "Squatter Sovereignty," did more to excite the passions and prejudice of the people of the South in favor of their views of the subject, and to alienate a large class of the Northern inhabitants from the views entertained by the people of the Free States, than any other subject agitated. His views, however, upon this subject, like his opinions upon most of the doctrines that he advocated, entitle his memory to the sympathy of his friends, as erring in judgment, or stamp his act with the brand of the political demagogue, who, losing sight of the sacred trusts confided to the statesman, fixed his eye upon the Presidential chair, and his ambition overleaping his judgment and conscience, carried him headlong into the vortex of political intrigue, from which suspicion his devotion to his country in the hour of her late trials much redeemed him.

The issues being made between the two sections, and the greedy bone of contention being the "persons held to service or labor," the Constitution was invoked as the balm for all their disorders; but in vain, for its expounders presented conclusions and opinions as multifarious and conflicting as the complexions, interests, and passions of their authors.

The twenty-one Free States felt their power in the National Councils to check by legislation the spread of the Slave Power in the Territories, should such a power be deemed necessary; but above all did they feel their power in filling the Territories with a population from the Free States and the emigrants of Europe, who,

when framing a Constitution, would be sure to vote against Slavery. No State had come into the Union as a Slave State for many years; the efforts made to spread the institution, and carry California and Kansas as Slave States had failed. That slaves who might reside in the Territories would become free so soon as a State was admitted into the Union with a free Constitution, was a serious question for the South. The people of the Free States were *determined* that Slavery should not go into the Territories, and that it must be confined to its limits in the fifteen States already acknowledging it, whilst the vast Territory from the Mississippi to the Pacific Ocean, large enough to form twenty new States, would each, as it came in, join its destinies to the North and East, confine by legislation the institution to its present limits, or strangle it to death even upon its own hearth-stone. The Republican party now (1860) a power, were in the field, with Abraham Lincoln as their candidate for President, with his avowal that "the country cannot live part free and part slave," and that he believed "in the perpetuity of the Republic."

## CHAPTER II.

COLONIAL CONDITION.—EARLY SETTLEMENT.—THE FIRST CONSTITUTION.—SIGNERS OF THE FIRST CONSTITUTION.—LANDING OF THE PILGRIMS.

So far as the political history of the Colonies goes, little can be gathered upon which to build any foundation that the intention of the early settlers was to build up a separate and independent Government; indeed, all the acts of the people go far to establish a contrary opinion. The charters granted by the King of Britain, from the beginning to the middle of the seventeenth century, and the submission of the people, the repeated petitions to the Mother Country to relax her oppressive laws upon them, their oft repeated avowals of filial attachment, their humble supplications through their representatives and commissioners, all tend to the belief that a strong attachment bound the early colonists to the British Goverment and laws.

The Colony of Virginia had from 1607 up to the Revolutionary War, almost two hundred years, conformed to the limits and laws imposed by the Home Government, and the Colonies on the Hudson and Manhattan were equally submissive; and although all seemed equally determined in 1776 to redress their long grievances, yet it is but reasonable to conjecture that what are now called the New England States, did, either by accident or design, gradually fall into a style of government that formed the basis of the General Government of the United States.

The Pilgrim Fathers who landed at Plymouth Rock

in 1620, did not in all things maintain nor apply that rule of Christianity and forbearance toward others that they so zealously desired to be applied to themselves; and now, as we lift the veil, although clouded by the mists of three centuries, obscuring many of their faults in the silent tomb, yet we sigh for that poor humanity in them and in us, of this and all ages, like the Crusaders of old, proclaiming that the "right of conscience," and "liberty to worship God according to their judgment," was what they demanded, and for which they were ready to die; whilst they *denied* the same right to others, and entered upon cruel inquisitions to deprive of life and liberty other people claiming to worship God by *their* consciences. But the ghost of Roger Williams has ceased to torment his persecutors; it has hied to its confine. His spirit, however, keeps eternal guard upon the altar of our religious freedom.

The first Constitution forming a civil government in America, was drawn up and signed on board the *Mayflower*, by the Pilgrims, on the 11th of November, 1620. At that time there had been a charter granted to parties to settle most of New England. The Pilgrims left England with the intention of settling on the Hudson, within the limits of the London or South Virginia Company, but by accident, or, as some suppose, and is generally believed, by the treachery of the Dutch who had themselves contemplated settling on the Hudson, and who had bribed the pilot to land them north of the Hudson, they were taken to the coast of Cape Cod, where they arrived on the 9th of November, 1620. Not having contemplated any plantation within the limits of the Plymouth company, they had not obtained from them any charter. Being, therefore,

destitute of any right to the soil, and without the powers of any government derived from the proper authority, on the 11th of November, before they landed, they drew up and signed the following compact, or constitution:

"In the name of God, amen. We, whose names are under written, the loyal subjects of our dread sovereign lord, King James, having undertaken for the glory of God, the advancement of the Christian faith, and honor of our King and country, a voyage to plant the first Colony in the northern part of Virginia, do by these presents, solemnly and mutually, in the presence of God and of one another, covenant and combine ourselves together in a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid; and by virtue hereof do enact, constitute and frame such just and equal laws, ordinances, acts and constitutions, and offices, from time to time, as shall be thought most meet and convenient for the good of the Colony; unto which we promise all due submission and obedience."

The names of the signers were as follows (all the men on board): John Carver,† William Bradford,† Edward Winslow,† William Brewster,† Isaac Allerton,† Miles Standish,† John Alden, Samuel Fuller, Christopher Martin,†* William Mullins,†* William White,†* Richard Warren, John Howland, Stephen Hopkins,† Edward Tilly,†* John Tilly,†* Francis Cook, Thomas Rogers,* Thomas Tinker,†* John Ridgdale,†* Edward Fuller,†* John Turner,* Francis Eaton,† James Chilton,†* John Crackston,* John Billington,† Moses Fletcher,* John Goodman,* Degory Priest,* Thomas Williams,* Gilbert Winslow, Edward Margeson,* Peter Brown, Richard Britterige,* George Soule, Richard Clarke,* Richard Gardiner, John Allerton,* Thomas English,* Edward Dotey, Edward Leister.

Some idea of the privations and hardships endured by these stout Britons, may be ascertained from the

fact that by the end of March following their landing, about four months, more than half of them were in their graves—twenty-one of them having died in that short space of time. The names of those who died within that period are marked with an asterisk (*). Of the number of these signers, eighteen brought their wives with them. Their names are indicated by a dagger (†).

It was signed by forty-one persons, the whole company being, including men, women and children, one hundred and one. Having settled a social compact, they proceeded to examine the coast, and finally settled at a place which they called Plymouth, after the name of the company owning the soil. They landed on the 22d of December, 1620, and commenced the first permanent settlement in New England. For ten years the colonists held their property in common, when they obtained from the company a grant of the land.

The government of the Colony was administered by a Governor and seven Assistants, all chosen by the people annually. Being a pure republic, the people in general meeting often decided upon both legislative and executive affairs. In 1630, their numbers having become such as to render deliberation in full assembly inconvenient, the representative system was adopted. In 1631, when permanent settlements began to be made in New Hampshire, Massachusetts threw her protection round them, and one by one as the new Colonies began to be formed and populated from Massachusetts, she protected them, and infused her ideas of government among them, until each of them made a Colonial Government assimilated to her own. In 1643 the Colonies of Massachusetts, Plymouth, Connecticut and New Haven, formed a league, or confederation, by the

name of the "United Colonies of New England." By the terms of this union, the internal affairs of each Colony were left to its own government. In war, each was to furnish its proportion of men according to its population, and the common affairs of the Confederacy were to be conducted by a Congress composed of two Commissioners from each Colony.

During the civil wars of England, while the government was in the hands of the Republican Parliament, and afterwards under the Protectorate of Cromwell, the most friendly feelings subsisted between the colonists and the ruling power of the parent country.

Virginia, which was settled in 1607, made an effort to introduce the representative system of government in 1619, which incurred the displeasure of James the First, who took her Charter from her. On his decease, shortly after this act, he was succeeded by his son Charles the First, who levied tribute upon the Virginians for their assumption. He devolved upon the Governor and Council the whole legislative and executive powers of the Colony, empowering them to levy taxes, to seize the property of the late company, and to apply it to public uses, and to transport colonists to England to be tried for crimes committed in Virginia. New York, Virginia, New Jersey, Georgia and the Carolinas, were, during this period, and up to the Revolutionary War, under the direct control of the Royal Charters, and royally appointed Governors and Councils, who had almost absolute control of the lives, property and persons of the colonists.

Massachusetts, increasing in population and commercial importance, began to populate Connecticut, New Hampshire, and Rhode Island. Her people were restless under the oppression of the Mother Country, and

as early as 1630 had the powers of government transferred from the Crown to the people of the Colony, so as to allow the latter to elect annually a Governor, a Deputy Governor, and eighteen Assistants. Still aspiring to ascend the ladder of broader liberties, she in 1639 claimed the right of representation, but there was nothing in her Charter permitting this. The *General Court*, the name by which the State Legislature is known to this day, was established; and, although it would seem that the people had no right, save by the law of nature, yet they entered upon the representative system, composed of the Governor, the Assistants, or at least six of them, and the body of freemen which constituted the General Court, by which the powers of Government were to be exercised. But this body, unwieldy from the fact of its lacking the prescribed powers and *modus operandi* of performing its functions, gave place in 1644 to the General Court, having two distinct bodies with a negative upon each other.

The Colonial condition of Rhode Island, from 1644 to 1663, under the Charter obtained by Roger Williams, during the contest between the King and Parliament for the supremacy in Britain, was a pure Democracy; but on the restoration of the Kingdom to Charles II, in 1663, they received a new Charter not materially reducing their powers. The spirit of Republicanism had already asserted itself, and the New England Colonies had, imperceptibly to the Mother Country, established a system of representative government, which contained the germ of America's Freedom, and which no power on earth could destroy.

The league formed by the Colonies of Massachusetts, Plymouth, Connecticut, and New Haven, in 1643, by the name of the "United Colonies of New England,"

was the first practical union of forces to accomplish their objects of resistance from without ever attempted in America; and although the purposes set forth in the articles of compact were to insure mutual protection against the Indians, and the Dutch at Manhattan, yet it is fair to conclude that a future union for their political rights was in the minds of the leaders in this project; still, by this compact, each Colony was only to provide, in time of war, soldiers in proportion to its population, and the internal affairs of each Colony were to be conducted by itself.

The general affairs of the Confederacy were to be conducted by a Congress composed of two Commissioners from each Colony. The times were auspicious for the development of Republican ideas in the new world. In fact, the colonists of New England, since their Constitution, signed on board the *Mayflower*, showed upon many occasions a tending toward larger liberties than those granted them by their Charters and by the English Parliament.

The civil wars in England, by which the King was deposed, and the Government declared Republican, the subsequent overthrow by Cromwell, and the liberal treatment of the colonists by the Parent Country during this period, were well calculated to inspire them with the spirit of their own freedom; and the children and grand-children of the colonists of these times, when they stepped into the arena, sword in hand, in 1776, were but following the instincts and teachings of their ancestors for broader liberties.

The *Royal* or *Provincial* Governments of the Colonies, or a portion of them, were distinguished from those of the *Colonial*, particularly in this, that the Royal Charters gave the *individuals* to whom the grant was made, the

almost exclusive power to make and enforce all laws as to them might seem best.

Those Colonies or Plantations, under Royal Charters at the breaking out of the Revolution, were Virginia, New York, New Jersey, the Carolinas, Georgia, and New Hampshire; but these Colonies had, since their settlement, passed through many phases, particularly New Hampshire, whose spasmodic political somersaults render her early history a little ludicrous, placing herself under the Government of Massachusetts in 1641, and in 1680 becoming a separate Royal Province. In 1686 the authority of Massachusetts was again extended over her. Soon after, the people took the government into their own hands, but again returned to their first love and placed themselves under the protection of Massachusetts in 1690; separated again in 1692, and united in 1699; and again separated in 1741, it is to be hoped for the last time.

Virginia from 1607 to 1619, had had three Charters and as many forms of rule applied to her—all, however, under the direct control of the Home Government; but a growing desire for more liberty, aided by the liberal spirit of their Governor, caused them in 1619, to enter upon a system of government almost Republican in form; and the first Colonial Assembly ever held in America, was called and held at Jamestown, June 29, 1619; but the jealousy of the ruling monarch, King James I, was aroused, and dreading the consequences of this liberty, demanded their Charter to be surrendered, and upon refusal of this, issued his order of *quo warranto*. Judgment was rendered against the company, their Charter declared forfeited, and all its powers reverted to the Crown in 1624. Under the rule of James I, and his successor Charles I, the most oppres-

sive laws were mercilessly inflicted upon Virginia, and, crushed to desperation by the tyranny of these laws, mercilessly carried into execution by their Governor, Sir John Harvey, the people in 1636, seized him, made him a prisoner, and sent him to England, sending agents with him to represent their grievances. Harvey was, however, returned with renewed measures of oppression to govern Virginia.

## CHAPTER III.

THE REVOLUTIONARY WAR.—THROWING THE TEA INTO BOSTON HARBOR.—BATTLE OF LEXINGTON.—BATTLE OF BUNKER HILL.—DECLARATION OF INDEPENDENCE.—ARTICLES OF CONFEDERATION.

But little doubt remains that the oppressive laws of Great Britain, in subjecting the colonists to pay tribute to the Mother Country, whilst they were denied a voice in the legislative department, led to the actual outbreak and hostilities, and the condition of their liberties instead of improving with the advancement of the age, were more circumscribed and shackled down by the Home Government. As early as the first settlement at Plymouth a spirit of Republican Freedom existed; still, with that veneration for the ties and customs that bound them to the laws and institutions of England, they long endured, with calm resignation, the heavy hand of the English Government.

But this state of affairs at last developed amongst the masses a spirit of discontent, and soon energetic and patriotic leaders were found to protest against the domination of English rule. They claimed for the colonists the rights of freemen, as granted to them by the *Magna Charta* and Bill of Rights, whilst England claimed the right of canceling the Colonial Charters, and reducing them to the absolute rule of the British Parliament, without their having a voice in the making of the laws by which they were governed. The Colony of Plymouth as early as the year 1636, and Maryland in 1650, and again Massachusetts in 1661, declared by

their Legislatures, that taxes should not be levied upon them, but by the consent of the colonists. Other States followed these examples. Rhode Island, in 1664; Massachusetts and New York, in 1672, passed laws by their Legislatures, declaring it to be the exclusive right of the colonists to levy taxes, as also to legislate for the whole affairs of the Colonies. Virginia, in 1676, claimed the same privileges, and New Jersey, in 1680, demanded that their consent should be given to all laws, before they could be binding on the people.

From a very early period in the history of America the general power of the British Parliament to legislate upon the general policy of commerce, was acknowledged by the colonists. From quite an early date it was contended, that as to taxation and the general internal affairs of the Colonies, the Parliament had no right to legislate. The Charters under which they held their existence were indefinite and vague as to the extent of powers granted, and limit having been set or defined as to where the power rested to legislate, the colonists, at each act of the Parliament, tending to abridge their liberties as Englishmen, became restive and turbulent; whilst the Parliament, at each complaint and resentment, became indignant and malignant, until at the time of the revolt, the Home and Colonial Governments stood arrayed in bitter antagonism against each other.

The Colonies were filled with the dependent hirelings of the British King, in the collection of customs and taxes levied for the support of royalty in the British Empire, contrary to the will of the colonists; but the most oppressive of all were the Acts of Parliament, prohibiting the importation and exportation of certain

classes of goods under many pains and penalties. Massachusetts, owing to her large commercial interests, felt more keenly than any other the burden of these most unjust acts, and made common cause against the tyranny of her unnatural parent. English troops were constantly kept quartered on the citizens of Boston, to coerce them into subjection. Importation leagues were formed in Boston, New York, and many other cities, and a determination formed not to pay the heavy duties imposed by England—all of which went into the royal coffers. The continued petitions of the colonists had the duties abolished in 1773, upon many leading articles. They were continued, however, on tea, large shipments of which were made to Charleston, New York, Philadelphia, and Boston. In December, 1773, cargoes of tea arrived at Boston. The people called public meetings, and declared that it should not be landed—that no duties should be paid on it. These meetings determined that it should be returned to England in the same ships in which it was brought to America. This was refused, and the people *en masse* boarded the ships, breaking open the boxes and emptying large quantities of tea into the ocean. This act incensed the Parliament, which in the following spring passed a bill called the "Boston Port Bill," which provided "for discontinuing the landing and shipping of goods, wares, and merchandise at Boston, or the harbor thereof, and for the removal of the Custom House with its dependencies to the town of Salem." This Act was to continue during the pleasure of the King, and was certainly ill-calculated to allay the irritations of the citizens of Boston. Carrying the stern dictates of the Crown still further on, an Act was next passed "for the better regulating the

government of the Province of Massachusetts Bay." By this Act all legislation by the Colony ceased, and all officers were to be appointed by the King. The people were not allowed to hold public meetings, and were deprived of the selection of juries. These were to be selected by the Sheriffs, who were appointed by the King. Massachusetts had become the special subject of English hatred and oppression, and her people now to a man took a determined stand against the tyranny of the Parliament, and invoked the sympathy and coöperation of her sister Colonies in a combined resistance.

On the arrival of the news of the "Boston Port Bill," the Legislature of Virginia, being in session, extended its sympathies toward Massachusetts, at which the Governor taking offense, dissolved the Assembly; they, however, before they dispersed, recommended to their sister Colonies the meeting of deputies annually, in a general Congress, for deliberation and general coöperation, and action in all measures pertaining to the general welfare of the Colonies. And here was the starting point of the legislative branch of the American nation. The other Colonies gladly acquiesced in the proposition. The House of Representatives of Massachusetts, being assembled at Salem, entered into the idea of calling the proposed Congress, and passed resolutions urging upon the people of the Colony the necessity of such coöperation, and appointed five delegates to the Convention; the Governor, on learning of this action, dissolved the Assembly.

The colonists proceeded with the election of delegates to this Convention, or Congress, and their meeting was held at Philadelphia, on the 5th day of September, 1774; to this Congress the leading men of the Colonies were elected, with instructions to make no concessions until

the grievances complained of should be redressed, and the oppressive legislation of Parliament be repealed. An agreement was entered into and signed by this body, for themselves and their constituents, that if the oppressive laws of Great Britain in relation to the Colonies should not be repealed before the 10th day of September, 1775, no merchandise should be exported to England. An address to the people of the Colonies, as also an address to the King, was presented by this body, and on the 26th of October the Congress dissolved, having recommended that another Congress should meet on the 11th of May, should their grievances not be redressed. Parliament was not disposed, however, to listen to the supplications or petitions of those whom they regarded as their vassals, but declared the intention of reducing these refractory colonists to a completely dependent and servile condition. News of this determination at once dispelled all hope of any amicable adjustment, and the colonists at once entered upon a vigorous preparation for defense, in case of encroachments on the part of England. Their operations were much retarded by the officious interposition of the many appointees of the King throughout the Colonies; still the preparations went on, arms and ammunition were manufactured and accumulated, and the people were determined to make a death struggle to obtain what they called the rights of Englishmen—not to be taxed without representation. The British troops and officers were cruel and tyrannical.

April 18th, 1775, a detachment of about eight hundred regulars were dispatched by Governor Gage, to proceed to Concord, and destroy the military stores accumulated there by the colonists. On the 19th, having reached Lexington, about six miles distant from

Concord, they were met by a company of about one hundred militia and citizens; the English troops found little resistance, however, and marched on to Concord. There, and along the road on their return to Boston, they were met by fierce opposition from the militia and citizens, who formed in squads, some making direct attack, others in ambush, firing upon the soldiers, who were fearfully harassed and demoralized, having lost about two hundred and seventy men, whilst the colonists lost eighty-eight in all.

Things in Boston were leading to a crisis; 1765 witnessed one riot, 1770 another between the citizens and the British troops; 1773 another, known as the Boston Massacre. On the 20th of May, 1774, her Charter was taken by royal authority, but never replaced, for on the 19th of April, 1775, the Boston militia met the English troops at Lexington, and the result is known. New England was in a blaze. Boston was a scene of wildest activity, fighting the well equipped English regulars in hand to hand conflict. Soon came on the battle of Bunker Hill. During this time, the second Congress of the Colonies was sitting at Philadelphia. Its first act was to approve the conduct of Massachusetts, which alone took up the gauntlet thrown down by England, and was now single handed fighting it out. As yet the Colonies had no army — not a General, a gun, nor a pound of powder. This Congress resolved that the "Colonies be placed in a state of defense," and George Washington, who had shown great military skill under Braddock, was appointed Commander-in-Chief of the armies then raised and to be raised.

But no aid was yet in the field; the English troops were harassing the people of Boston, and delay was defeat. Putnam, Warren, and Pomeroy, took posses-

sion of Bunker Hill on the evening of June 16th, and entrenched thereon, and on the morning of the 17th met Generals Howe and Pigot at the head of 3,000 well equipped soldiers, with field artillery. Thus the war was raging. George Washington was appointed to command the armies, June 15th, 1775, just two days before this important battle. But he was still in Virginia. Prescott and Warren, and Samuel Adams, and Cotton Mather, John Adams, Benjamin Franklin, and John Hancock, all of Massachusetts, and the latter President of the Continental Congress from 1775 to 1779, and whose name appears first upon the Declaration of Independence, were leading the fearless spirits to victory. Two long months passed from the battle of Lexington until the 2d of July, the day upon which Washington arrived at Cambridge. At this time the population of Virginia was about 746,000, and the whole number of men that she contributed to the war was 32,288. The population of Massachusetts at the same time was about 375,000, just half the population of Virginia. She contributed 83,162 men; thus, we see that Massachusetts, with half the population, sent about three times the number of men, or six times as many as Virginia, in proportion to her population. The Southern States represented in the war were Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia. All these States together supplied 69,377 men to the Revolutionary War, whilst Massachusetts alone sent 83,162, or 13,825 more than all the South. Virginia at this time (as her people said) had to remain at home to take care of her "niggers," for, at this time, she had about 290,000 of them—the crop that sprang from the twenty that she imported into Jamestown in 1620, when she cursed our land with that in-

cubus, which has so completely disturbed the whole fabric of our Government to this day.

The struggle for independence continued for seven years, under difficulties and privations unparalleled; and the accomplishment and establishment of our Republican system of government forms one of the most brilliant chapters in the history of an oppressed people, battling for equal justice and manhood freedom.

During the time the dreadful line met in conflict, and the combatants in the field were reaping their harvest of death, and while the Colonial soldier cast himself upon the altar of liberty to insure victory, the Continental Congress was moulding and giving vitality to that political system, whose corner-stone is based upon the political and religious liberty that to-day places the American Republic in the foremost rank of nations, and her citizens the first in freedom on the globe.

In accordance with the proposition of the first Congress, the second met at Philadelphia on the 10th day of May, 1775; and Peyton Randolph, who was the President of the first, was again elected President. This Congress took active measures to induce all the Colonies to enter upon a combined practical system of defense. The King had declared the Colonies in a state of rebellion, and had interdicted all trade with them. The last hope of reconciliation had vanished, and now, for the first time, thoughts of a separation from the Mother Country began to take hold of the minds of the people. England during this time was sending troops to America, and the colonists, by their representatives in Congress, on the 10th day of June, 1776, appointed a committee consisting of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston, who presented a resolution, "*that these*

*Colonies are, and of right ought to be, free and independent States.*" This resolution was adopted on the 2d of July, and on the 4th of July, 1776, the Congress adopted the *Declaration of Independence.* Randolph having in the meantime resigned the Presidency of the Congress, John Hancock of Massachusetts was elected, and in his official position placed his name first to the Declaration of Independence.

As yet, no political form had been adopted for the government of the New Nation; Congress had elected Washington to be Commander-in-Chief of all the armies, and had issued three millions of dollars in bills, pledging each Colony to pay its proportion, and the United colonists were pledged for any amounts delinquent in the *pro rata* of any Colony. A treasury department was established, and laws were passed regulating the army and navy.

At this time there was no union of the Colonies, and the want of some system or Constitution of a national character, to enable the various departments of the embryo Government to execute their functions, was much needed. Just what kind of a Constitution it should be was not well understood; some propositions soon after the adoption of the Declaration of Independence were suggested, but not acted upon. On the 8th day of July, 1778, a compact, or solemn league, was adopted by Congress, which was styled "Articles of Confederation and Perpetual Union between the States." (See Appendix—Articles of Confederation.)

The name of the Confederacy was to be, "The United States of America." It was left to the several States to adopt and ratify these articles, or to reject them. A majority of the States adopted them, some proposing amendments. Delaware, New Jersey, and Maryland,

offered serious objections to their ratification, unless their proposed amendments were adopted by Congress, and Maryland did not ratify them until March, 1781.

It must be kept in mind that the Revolutionary War was now raging, and that the circumstances of the times were fast developing important events demanding a well regulated system and form of government.

The Congress, composed of delegates from the several States, elected by their Legislatures, had the power to declare war and conclude peace, to raise men and money; and although the powers were not so numerous as under the present Constitution, there can be but little doubt that the "perpetual union of the States," and the prohibition of any State to secede from the Union, without the consent of Congress, was as binding on the States as is the Constitution, or any of the laws of Congress enacted since the commencement of the late rebellion.

Article 6, Section 1, says:

"No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty, with any King, Prince, or State, nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office, or title of any kind whatever, from any King, Prince, or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

"SECTION 2. No two or more States shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which such is to be entered into, and how long it shall continue.

"ARTICLE 13. Every State shall abide by the determination of the United States in Congress assembled, in all questions which by this Confederation are submitted to them; and the Ar-

ticles of this Confederation shall be inviolably observed by every State; *and the Union shall be perpetual.* Nor shall any alteration at any time thereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State."

From the date of the Declaration of Independence, and during the Revolutionary War, up to the date of the adoption of the Constitution—for twelve years—the whole Government of the United States was conducted under the Declaration of Independence, and the Articles of Confederation.

But the life that had been infused into the new nation; the growing legislative wants to regulate trade and commerce, and to more specifically define and establish the various branches, legislative, executive, and judicial, pressed constantly upon the minds of the leading statesmen of the times. The necessity of some change in the Articles of Confederation, to meet the altered condition of the national wants, seemed apparent. Virginia took a leading part in suggesting plans of amendment, and the calling of Conventions, to enlarge and enact modes by which the functions of the Government might be carried on by the prescribed and enacted laws of the nation.

## CHAPTER IV.

PERIOD IMMEDIATELY PRECEDING THE ADOPTION OF THE CONSTITUTION.—CESSION OF TERRITORY TO THE UNITED STATES.—ORDINANCE OF 1784.—VOTE ON THE SLAVE QUESTION.—ONE VOTE ONLY WANTED TO PROHIBIT SLAVERY.

The period from the adoption of the Articles of Confederation to the adoption of the Constitution, forms a most important and interesting chapter in the history of America, and opens a field for speculation as to what extent the various States might legislate upon matters not specifically delegated in the Articles of Confederation. The coöperation of each of the thirteen Colonies in prosecuting the war (see Appendix for troops furnished by each), left their people but little time to reflect or mature elaborate forms of government. Some of the States, during this period, had adopted Constitutions, whilst others worked under their Colonial Charters, long after the ratification of the Constitution of the United States. (See Constitutions.)

The war had ended by the surrender of Cornwallis at Yorktown, October 19th, 1781, and the treaty of peace was signed at Paris, November 30th, 1782. Still the British troops did not evacuate New York till November 25th, 1783. The ninth Continental Congress had adjourned from Philadelphia to Annapolis, the attendance of members being small, and little business being done until March, 1784.

What disposition should be made of the public lands claimed by the States, presented a subject of deep in-

terest. Virginia, having appointed a delegation headed by Jefferson, presented to Congress on the 1st day of March, 1784, a deed to all the territory she claimed northwest of the Ohio, which was accepted, and a motion made by Jefferson for the appointment of a Select Committee, to report a plan for its government. A Committee of three was appointed, with Jefferson at its head, which Committee reported an ordinance for the government of "the territory ceded already, or to be ceded, by individual States to the United States." The ordinance provided that this territory should be divided into States, and admitted into the Union, upon the assent of two-thirds of the States. Their temporary and permanent Governments were to be founded upon the following express conditions of the ordinance alluded to—

"1st. *That they shall forever remain a part of the United States of America.*

"2d. That, in their persons, property and territory, they shall be subject to the Government of the United States, in Congress assembled, and to the Articles of Confederation, in all those cases in which the original States shall be so subject.

"3d. That they shall be subject to pay a part of the Federal debt contracted, or to be contracted, to be apportioned to them by Congress, according to the same common rule and measure by which apportionments thereof shall be made in the other States.

"4th. That their respective Governments shall be in Republican forms, and shall admit no person to be a citizen who holds an hereditary title.

"5th. That after the year 1800, of the Christian Era, there shall be neither Slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

"That all the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the

United States in Congress assembled, under his hand and the seal of the United States; shall be promulgated, and shall stand as fundamental conditions between the thirteen original States and those newly described, *unalterable* but by the joint consent of the United States in Congress assembled, and of the particular States within which such alteration is proposed to be made."

On April 19, 1784, the ordinance came before the Continental Congress for action, and as, under the Articles of Confederation, the votes on all questions in the Congress had to be taken by States, each State having not less than two nor more than seven, who were appointed annually by the Legislature, having the power to recall them at any time, and elect and send their successors. In acting upon any question, each State had one vote, which vote was determined by a majority of the Representatives from said State, but at least two members must vote on one side of a question before the State was entitled to a vote.

At this date, every State in the Union, except Massachusetts, had Slavery in it; for, in 1620, the institution had been introduced into the Colonies by the arrival of twenty negroes on board a Dutch ship at Jamestown, Virginia, where they were sold into Slavery. And now, after the lapse of a hundred and sixty-four years, this germ of discord had spread over the thirteen Colonies; and, although the people of Massachusetts, as early as 1621, pronounced the traffic a "heinous crime," yet this giant had reared its head amongst the sons of the Pilgrims, and stood upon the hills of New England, and, like Banquo's ghost, would not down; for one State only in the Union had abolished the institution. Massachusetts, on adopting her new Constitution, in 1780, had added a Bill of Rights, which the Supreme Court soon after decided had abolished Slavery.

Thus, after a century and a half of bondage, "Forefathers' Rock" was washed of the unholy sin, and one, at least, of the States had taken the first step to assume the high duties of fitting herself for a Republican form of Government.

Pennsylvania, too, was marching up the highway of her future greatness. The Legislature, in 1780, had passed an act of gradual Emancipation. At this time, many of the leading Statesmen of the Confederacy, in all parts of the country, were protesting against the maintenance of Slavery; and many of them felt an abiding faith in the spirit of Liberty that actuated the hearts of their countrymen in freeing themselves from English oppression, that they might see the justice of liberating their slaves; particularly so was this the case in New England.

Jefferson's Ordinance was now before Congress, and for the first time in the history of America, do we find the issue joined, and the friends of Freedom and the upholders of Slavery confronting each other upon a national question, the decision of which was of so much importance to those interested, and the results of which have been of such vital interest to the whole Republic. It is interesting at this time of our national greatness and freedom, to look back to those early days, and see with what tenacity the late rebellious States held on to the institution of Slavery.

The Ordinance being before Congress, a resolution was offered by Mr. Spaight, of North Carolina, seconded by Mr. Read, of South Carolina, that the fifth Article, the one prohibiting Slavery after the year 1800, be stricken out, the question being put in the following form: "Shall the words moved to be stricken out stand?" The ayes and noes were taken by States, as follows: Ayes—Pennsylvania, New Hampshire, Rhode Island,

Massachusetts, New York and Connecticut. Noes—Virginia, Maryland, South Carolina.

The votes of the States stood—six for the Ordinance and prohibition of Slavery, three against it, Jefferson, of Virginia, voting for it, but his vote was overpowered by two of his associates, Hand and Montgomery, voting against it. New Jersey having but one representative present, that State did not cast any vote; one representative, however, Mr. Dick, voted aye. North Carolina having only two representatives present—one voting aye, the other no—she did not cast a vote. Georgia and Delaware were not represented. An affirmative vote of a majority of the States was necessary, under the Articles of Confederation, to sustain a proposition, and the Ordinance having received the votes of six States, and half the vote of New Jersey, we can easily see that, (admitting Delaware and Georgia had been present, and had voted against the Ordinance,) the vote of one more representative from New Jersey would have sustained the Ordinance; and no doubt remains, that if the other representative from that State had been present, he would have cast his vote for the Ordinance.

Those who have studied the passing and conflicting political scenes of the last thirty years—the terrible struggle of life and death waged between Slavery and Freedom for the possession of the Territories, to the neglect of all national legislation, such as was carried on under the heat and influence of the interests of sectional strife, engendered by the demon of Slavery—or those who can contemplate the bloody drama of the Slaveholders' Rebellion, can realize the importance of the gentleman's vote from New Jersey, who was *not* in the Continental Congress on the 19th of April, 1787, and see what awful results may hang upon the vote of a single individual.

## CHAPTER V.

CONVENTION TO AMEND THE ARTICLES OF CONFEDERATION.—THEY FRAME A CONSTITUTION.—DEBATES AND PROCEEDINGS OF THE CONVENTION.—THE NEGRO IN THE BASIS OF REPRESENTATION.—SERMON OF THE REV. JONATHAN EDWARDS.—LETTER OF WASHINGTON TO LAFAYETTE.—ORDINANCE OF 1787.—HARRISON ADVOCATES SLAVERY.

From the adoption of the Articles of Confederation, July 8th, 1778, up to the year 1787, the increased requirements for national legislation, through the imperfection and inadequacy of the Articles of Confederation, were daily developing themselves. The Continental Congress was now in session at the city of New York, (this being its last session). A Convention of delegates from the States had been appointed to *amend* or *alter* the Articles of Confederation. The Convention met at Philadelphia on the 25th day of May, 1787, when the following States were found to be represented by their delegates: New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina; and in a few days delegates from the other States presented themselves. Rhode Island did not appoint delegates; and those from New Hampshire did not take their seats until July 23d. Amongst the many distinguished men in this Convention were Washington and Franklin.

The difference of opinion and suggestions offered by the members plainly indicated that the framing of a *Constitution*, or the centralizing of any more powers in the General Government, than might be done by amending the Articles of Confederation, did not enter

into the minds of many of the delegates; yet the determined position taken by many, including Washington, to form a "more *perfect Union*," and to enlarge and centralize the powers—legislative, executive, and judicial—in a *National Union*, and the intelligent positions taken by them in exposing the insecurity of their liberties, if left to the jobbing political caprice and local jealousies of the thirteen Colonies—unaided by the general forms of government, possessed of all the powers of nationality in the legislation and execution of its laws and authority—plainly showed the necessity of Union.

The Convention, we have seen, met on Friday, May 25th, 1787. The first act was a motion by Robert Morris, of Pennsylvania, that George Washington be elected Chairman of the Convention, which was unanimously agreed to. Upon taking the chair, he modestly declared his embarrassment, never having been in a similar position before, and hoped his errors would be excused, as they would be unintentional.

And now the third great drama in the liberties of America was enacted. The *Declaration of Independence* had proclaimed to the world that a spirit of freedom had taken hold of the hearts of the colonists; and the triumphal armies of America, now flushed with glorious victory, having, against overwhelming numbers, conquered the most powerful nation of the earth; and the chief of victory, and also of the army of freedom, now installed as Chairman of this august assemblage, consisting of many of the most illustrious statesmen, warriors and patriots of the New Nation, and guiding the offspring of his valor and patriotism into its new baptism and into the foremost ranks of free nations, was a sublime spectacle.

The Convention continued to meet daily for almost four months—from May 25th, 1787, to September 17th, of the same year—amidst conflicts and discouragements almost dispelling the hopes of the friends of National Government. The Convention missed the able services and wise counsels of two of America's ablest Statesmen, John Adams and Thomas Jefferson, both being in Europe as Embassadors. Especially did the friends of freedom miss their influence, for their well known love of human liberty would have insured their voices in favor of the broadest measures of equal rights. The Resolutions of 1784, drawn up by Jefferson in relation to the government of the public lands, and interdicting Slavery within all the Northwestern Territory, was well calculated to inspire his friends with the belief of his hearty coöperation in limiting the influence of the Slave Power in national political affairs.

Early in the Convention, Edmund Randolph, of Virginia, made a lengthy and elaborate speech, showing the defects of the existing Confederation, and on the 29th of May presented a set of fifteen resolutions, as a basis for the form of a new Government. He declared that they were not intended for a *Federal Government*, but "for a *strong, consolidated Union*." Randolph's plan being of a character to invest enlarged powers in the national legislative branch, found fierce opposition from the "State Rights Party;" for such a party had already begun to develop itself in the Convention. These resolutions were discussed for about two weeks, and objected to. In the meantime, other members presented other plans of government.

On May 30th, the Convention being in committee of the whole on the "state of the Union," the following resolutions were offered:

"1. *Resolved*, That a union of the States merely Federal, will not accomplish the objects proposed by the Articles of Confederation, namely: the common defense, security to liberty, and general welfare.

"2. *Resolved*, That no treaty or treaties among any of the States as sovereign, will accomplish or secure their common defense, liberty, or welfare.

"3. *Resolved*, That a National Government ought to be established, consisting of a supreme, judicial, legislative, and executive department."

These resolutions met with bitter opposition from Mr. Pinckney, delegate from South Carolina, on the ground that the Convention had no power to create a new Government, as they were there only to *amend* and *revise* the Articles of Confederation; the word *supreme* in the third resolution wanted explanation—was it "intended to annihilate *State Governments?*"

*Suffrage* was the next great subject before the Convention; and here was the point that brought the friends of Liberty and the friends of Slavery square to the issue. Every State in the Union at this time had Slavery in it, except Massachusetts; for, as we have already seen, by the Bill of Rights to the new Constitution of 1780, she had abolished it.

If a new Government was to be established, with three distinct departments—one executive, one judicial, and one legislative, divided into three branches—how should the "Sovereign States" be represented? Some of those advanced in wealth were in favor of a property basis; others were in favor of basing the representation on population. But here it was objected that the large States would swallow up the small ones. Some members favored that one branch be elected by the people, and that that branch then elect the second branch. But discord presented itself at every step; no harmony

could be obtained; and it became evident to all, that upon one question raised by members from the South, there was an element yet unreconciled, that must either break up the Convention, prevent some States from entering into the Union, or that concessions must be made, and an element of future discord incorporated into the fundamental laws of the New Nation. The veil was drawn aside from this colossus, and the *Negro* stood forth, backed by an undivided Southern support, to thrust him into the material upon which the new edifice of liberty was to have its foundation. The large Southern slave interests made the institution a power amongst them; and if the national representation was to be based upon "property," then the slaves should be calculated, and if based upon population then enumerated. The delegates from New England and other States asked the Southern representatives if they calculated their slaves as property; to which they replied that they did. "Then," said they, "we do not desire that *our* merchandise be represented in the councils of the New Nation." "Are they men?" asked the Northern delegates; "are they admitted as citizens?" Then, why not on an equality with citizens. "Are they admitted as *property?*—then, why not other property be admitted into the Confederation?" asked James Wilson, delegate from Pennsylvania.

There being no hopes of the Convention coming to any terms upon the subject of framing a Constitution that would accord with the general expressed views of the majority, without some *compromise* being made, Mr. Sherman, of Connecticut, moved that a committee of one delegate from each State be appointed to advise and report upon the subject of the manner of representation. The friends of *manhood* representation knew

the awful situation into which they were drifting; they knew that the perpetuation of their liberties rested upon the formation of a Central Government, vested with full powers to legislate and execute laws, untrammeled by the dictation of "Sovereign States;" they also felt assured that now, as the Southern slaveholder demanded representation for his slaves, either as a chattel or as a man, that a Republican Union could not be formed with this great inequality of representation—that Slavery was obnoxious to the principles of Republicanism, and if these men were to be enumerated in the population, and the basis forming a representation, they ought to be free.

Equally evident it was, that if the slaveholders of the South did not receive a representation for their slaves, the delegates would withdraw from the Convention, and refuse to join the balance of the States in any form; for threats to this effect were already made, as the spirit of Secession had already entered the hall of the Convention, and was planting the seeds of sedition and disunion.

The Committee alluded to had entered upon their duties, and, as in the General Assembly of the delegates, so now in the Committee Room, the herculean form of the negro presented itself, and in the midst of that august body, presided over by the venerable Dr. Franklin, demanded in thunder tones an admission in national representation, although in his own State he was the subject of barter and sale, and stood mute as a mummy, whilst his master tightened his chains by State legislation.

Few persons familiar with the affairs of the American Republic, and influenced by the spirit of liberty and equality before the law, will doubt but that the duties

resting upon the Committee were of a character fraught with greater interest, not only to the people of America, but to the general liberties of mankind, than ever devolved upon any body of men since the history of civilization.

The past contentious debate upon this vexed question of representation assured the friends of liberty and equal rights, that the fate of America's national existence depended upon concessions tempered with moderation; but the concessions had to be all on one side, for the upholder of Slavery, true to his instincts, redoubled his demands for representation for his "chattels," as the friends of nationality and liberty relaxed their claims; and freedom's defenders grew pale in the presence of bloated arrogance, flushed with the hope of victory. The slave party violently struggled to hold the balance of power in the legislative department of the Republic, upon the threat, that if their terms were not acceded to, they would sever the compact of confederation, and maintain their position as "Sovereign States." The battle in General Assembly and in Committee was raging, and at its close Slavery stood triumphant and Liberty bowed in silent acquiescence.

The report of the Committee, made on the 5th day of July, was: that in the first branch of the Legislature, each State should have one representative for each forty thousand inhabitants (three-fifths of the slaves being counted); that in the second branch (the Senate) each State should have one vote. From this report emanated the representation as defined in Article I, Sections 2 and 3, of the Federal Constitution. Some of the remarks of delegates upon this subject of representation are given here, which only more fully show the reader the spirit that animated their authors:

Rufus King, of Massachusetts,

"Desired to know what influence the vote just passed was meant to have on the succeeding part of the report, concerning the admission of slaves into the rule of representation. The admission of slaves was a most grating circumstance to his mind. * * What are the great objects of the general system? First, defense against foreign invasion; second, against internal sedition. Shall all the States, then, be bound to defend each; and shall each be at liberty to introduce a weakness which will render defense more difficult? If slaves are to be imported, shall not the exports produced by their labor supply a revenue, the better to enable the General Government to defend their masters? * * * He never could agree to let them be imported, without limitation, and then be represented in the National Legislature; indeed, he could so little persuade himself of the rectitude of such a practice, that he was not sure that he could assent to it under any circumstances."

Gouverneur Morris, of Pennsylvania, moved to insert the word "free" before "inhabitant."

"Much," he said, "would depend on this point. He never could concur in upholding domestic Slavery; it was a nefarious institution; it was the curse of heaven in the States where it prevailed. Compare the free regions of the Middle States, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspreads the barren wastes of Virginia, Maryland, and the other States having slaves; travel through the whole continent, and you behold the prospect continually changing, varying with the appearance and disappearance of Slavery. * * * Upon what principle is it, that the slaves shall be computed in the representation? Are they men?—then make them citizens, and let them vote. Are they property?—why, then, is no other property included? The houses in this city (Philadelphia) are worth more than all the wretched slaves that cover the rice swamps of South Carolina. The admission of slaves into the representation, when fairly explained, comes to this: that the inhabitant of Georgia or South Carolina, who goes to the coast of Africa, and, in defiance of the most sacred laws of humanity, tears away his fellow creatures

from their dearest connections and dooms them to the most cruel bondage, shall have more votes in a Government instituted for the rights of mankind, than the citizen of Pennsylvania or New Jersey, who views with a laudable horror so nefarious a practice. He would add that domestic Slavery is the most prominent feature in the aristocratic countenance of the proposed Constitution. * * * He would sooner submit himself to a tax paying for all the negroes in the United States, than saddle posterity with such a Constitution."

"Charles Pinckney, of South Carolina, considered the Fisheries and the Western Frontier more burdensome to the United States than the slaves. He thought this could be demonstrated if the occasion was a proper one." (Madison's Papers, Vol. III, page 1261.)

"August 21.—Luther Martin, of Maryland, was in favor of a tax on slaves. In the first place, as five slaves are to be counted as three freemen in the apportionment of representation, such a clause would have an encouragement to this traffic; in the second place, Slavery weakened one part of the Union, which the other parts were bound to protect—the privilege of importing was therefore unreasonable; and in the third place, it was inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution."

"Mr. Rutledge, of South Carolina, did not see how the importation of slaves could be encouraged by this section. He was not apprehensive of insurrections, and would readily exempt the other States from the obligation to protect the Southerner against them. *Religion and humanity had nothing to do with the question; interest* alone is the governing principle with nations."

"Mr. Pinckney, of South Carolina, can never receive the plan, if it prohibits the slave trade."—*Ibid.*, 1388.

August 22.—The debate still going on, George Mason, of Virginia (grandfather of James M. Mason, late Rebel Embassador to England), who was a strong advocate of human liberty, said:

"This infernal traffic originated with the avarice of British merchants; the British Government has constantly checked the attempts of Virginia to put a stop to it. The present question

concerns not the importing of slaves alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. * * * Slavery discourages the arts and manufactures. The poor despise labor when performed by slaves; they prevent the emigration of whites, who really enrich and strengthen the country; they produce the most pernicious effects on manners. Every master of a slave is born a petty tyrant; they bring the judgment of heaven on the country—as nations cannot be punished in the next world, they must be in this. * * * The General Government should have the power to prevent the increase of Slavery."—*Ibid.*, p. 1390.

Following up this subject,

"General Pinckney, of South Carolina, declared it to be his firm conviction that, if himself and all his colleagues were to sign the Constitution, and use their personal influence, it would be of no avail toward obtaining the consent of their constituents. South Carolina and Georgia cannot do without slaves. * * * He admitted it to be reasonable, that slaves should be dutied like *other imports*, but should consider a rejection of the clause as an exclusion of South Carolina and Georgia."

"Mr. Sherman said it was better to let the Southern States import slaves, than to part with them, if they made that a *sine qua non*."—*Ibid.*, p. 1392.

The last remarks above were made on the debate relating to the prohibition of the importation of slaves.

In the Convention, August 29th, 1787, South Carolina, still fierce on the scent of the slave—not satisfied with having them enumerated in the basis of representation, and having the right to import them and thus overpower the non-importing States in the halls of Congress—and dreading the claim of the escaped to his freedom, so soon as he might touch free soil, her representative, Pierce Butler, moved to insert after Article XV, of the Constitution, "If any person bound to

service or labor in any of the United States shall escape into another State, he or she shall not be discharged from such service or labor, in consequence of any regulation existing in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor," which, after some verbal modification, was agreed to. (Madison's Papers, Vol. III, p. 1456.)

The Constitution completed, it was plain that the friends of the slave traffic had at every point gained ground. The three great principles upon which were founded the elements of the modern Democratic doctrines—the elements that have so long afflicted the Union with sectional hostility and strife, that brought reproach upon our Government, and that engendered the factious tyranny of the late rebellion, and furnishes sustenance to the morbid appetite and brutal passions of the rebel Democratic faction of to-day—namely: the importation of the negro; his use in forming a basis of representation in Congress; his capture and return, should he escape into any State or Territory of the United States—now became fastened upon the Government.

The following extract is from a speech of Charles C. Pinckney, delivered in the ratification meeting of South Carolina, January 17th, 1788, and will give the reader a fair insight into this subject:

"I am of the same opinion now that I was two years ago—that, while there remained one acre of swamp land uncleared in South Carolina, I would raise my voice against restricting the importation of negroes. * * * The Middle States and Virginia were for an immediate and total prohibition; we endeavored to obviate the objections, which were urged in the best manner we could, and assigned reasons for our insisting on the importation, which there is no occasion to repeat, as they must and

can appear clear to every gentleman in this house. A Committee of States was appointed, in order to accommodate the matter, and, after a great deal of difficulty, it was settled on the footing of the Constitution. By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared when that importation shall be stopped—it may be continued. We have a right to recover our slaves, in whatever part of America they may take refuge. In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make; we would have made better if we could, but, on the whole, I do not think them bad."—*Elliott's Debates*, Vol. IV, p. 285.

A few more examples of the abhorrence in which the slave traffic was held by the purest men of the revolutionary period, may tend to awaken a spirit of reverence, in the mind of the reader of these pages, for the illustrious dead.

The following quotation is from a sermon preached by the Rev. Jonathan Edwards at New Haven, Connecticut, September 15th, 1791. Connecticut at this time was a Slave State:

"African Slavery is exceedingly impolitic, as it discourages industry. Nothing is more essential to the political prosperity of any State, than industry in the citizens; but, in proportion as slaves are multiplied, every kind of labor becomes ignominious, and, in fact, in those of the United States in which slaves are the most numerous, gentlemen and ladies of any fashion disdain to employ themselves in any business, which in the other States is consistent with the dignity of the first families and the first officers. In a country filled with negro slaves, labor belongs to them only, and a white man is despised in proportion as he applies to it. Now, how destructive of industry in all of the lowest and middle classes of citizens such a situation, and the prevalence of such ideas will be, you can easily conceive. The consequence will be, that some will nearly starve; others will betake themselves to the most dishonest practices, to obtain a means of living. As Slavery produces an indolence in the white population, so it produces all those vices which are naturally connected with

it, such as intemperance, lewdness, and prodigality. These vices enfeeble both the body and the mind, and unfit men for any vigorous action and employment, either external or mental; and those who are unfit for such exertion are already very degenerate—degenerate not only in a moral, but a natural sense; they are contemptible, too, and will soon be despised, even by the negroes themselves.

"Slavery tends to lewdness, not only as it produces indolence, but as it affords abundant opportunity for that wickedness, without either the danger or difficulty of an attack on the virtue of a woman of chastity, or the danger of a connection with one of ill fame. A planter, with his hundred wenches about him, is in some respect, at least, like the Sultan in his seraglio; and we learn too frequently the influence and effect of such a situation, not only from common fame, but from a multitude of mulattoes in countries where slaves are numerous.

"Slavery has a most direct tendency to haughtiness also; and a domineering spirit and conduct in the proprietors of slaves, in their children, and in all who have control of them. A man who has been brought up in domineering over negroes can scarcely avoid contracting such a habit of haughtiness and domination as will express itself in his general treatment of mankind, whether in his private capacity, or any office, civil or military, with which he may be vested. Despotism in economics naturally leads to despotism in politics; and domestic Slavery in a free Government is a perfect solecism in human affairs.

"How baneful all these tendencies and effects of Slavery must be to the public good, and especially to the public good in such a free country as ours, I need not inform you."—*Sermons*, 1775–99, p. 10.

The following is an extract from a letter written by Washington to Lafayette, dated April 5th, 1783:

"The scheme, my dear Marquis, which you propose as a precedent to encourage the emancipation of the black people in this country, from that state of bondage in which they are held, is a striking evidence of the benevolence of your heart. I shall be happy to join you in so laudable a work, but will defer going into detail of the business until I have the pleasure of seeing you."—*Sparks' Washington*, Vol. VIII, p. 414.

During the session of the Convention at Philadelphia, which framed the Federal Constitution, the last session of the Continental Congress was being held at the city of New York. Many lovers of Freedom in that illustrious body had seriously felt the importance of some national legislation upon the subject of the spread of Slavery into the unorganized Territories lying to the north and west. Especially were the men of the New England States active in this. They had at an early day taken steps to prevent its spread or development within their own limits; and soon after the first importation into Virginia, had pronounced the traffic in men a heinous offense against God. As early as the year 1703, they laid a duty of four pounds (£4) upon each negro imported into the Colony of Massachusetts.

The Congress now in session had seen the impending evil. The black cloud at the South, at first so small, was fast developing into limitless proportions.

Mr. Jefferson's Ordinance, of 1784, had been shorn of its efficiency, by having the clauses prohibiting Slavery stricken out, to please the Democracy.

This Congress had appointed a Committee to provide some remedy for the evil. Nathan Dana, of Massachusetts, was Chairman; and on the 11th day of July, 1787, a plan was reported, promulgating "An Ordinance for the government of Territories of the United States northwest of the Ohio."

Nothing had been said about the Territory south of the Ohio; so that, by making a distinction in this Ordinance, or being silent as to any action in relation to the Southern Territory, it was soon agitated by the Democracy, that this field was to be left open to Slavery.

The following is the Ordinance, Article VI being the only one relating to Slavery:

## THE ORDINANCE OF 1787.

*Passed by Congress previous to the adoption of the Constitution, and subsequently adopted by Congress, August 7th, 1789, entitled, "An Ordinance for the Government of the Territory of the United States northwest of the River Ohio."*

ARTICLE VI. — There shall be neither Slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid.

Done by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord 1787, and of the Sovereignty and Independence the twelfth.

WILLIAM GRAYSON, *Chairman.*

CHARLES THOMPSON, *Secretary*

This Ordinance soon became a great stumbling-block in the road of the Democracy.

After the admission of Ohio, in 1803, the vast territory to the north, known as Indian Territory, began to fill up with settlers from the Slave States. Of course, they must take their *property* with them. To this the party of freedom objected, and invoked the stern letter of the Ordinance. William H. Harrison, subsequently President of the United States, being Governor of the Territory, petitioned Congress to suspend the Ordinance, and allow slaves to enter the Territory without hindrance.

Memorials and petitions from the emigrants, with prayers and supplications from Harrison, were constantly before Congress, imploring it to relax the sixth article, and allow them to deal in men. These petitions met with but little success; and soon *counter* peti-

tions were sent to the National Congress by citizens from the Free States, now settling in the Territory.

For four years, the Slave Party agitated the repeal of this Ordinance; but, by the well timed interposition of the friends of freedom, the extensive territory, out of which the States of Illinois, Michigan, Indiana, and Wisconsin were formed, was dedicated to Freedom.

## CHAPTER VI.

MEETING OF FIRST CONGRESS UNDER THE CONSTITUTION.—GEORGE WASHINGTON ELECTED PRESIDENT.—JOHN ADAMS VICE-PRESIDENT.—VOTE AT THE ELECTION.—FIRST BUSINESS OF CONGRESS.—POWERS OF THE PRESIDENT TO REMOVE FROM OFFICE.—DEBATES UPON THE POWERS OF THE PRESIDENT.—TENURE OF CIVIL OFFICE.—AMENDMENTS TO THE CONSTITUTION.

The first Congress under the Constitution met at New York, on the 4th day of March, 1789; but not until the 1st of April was a quorum present, and no quorum of the Senate until the 6th. On this day, the credentials of the members present being read and ordered on file, the Senate proceeded by ballot to the choice of a President to preside over that body, for the sole purpose of opening and counting the votes for President of the United States. John Langdon was elected.

The Members of Congress and the Senate assembled in the Senate Chamber, and proceeded to count the vote of the Electors for President and Vice-President of the United States, which was as follows: George Washington, 69; John Adams, 34; Samuel Huntington, 2; John Jay, 9; John Hancock, 4; Robert H. Harrison, 6; George Clinton, 3; John Rutledge, 6; John Milton, 2; James Armstrong, 1; Edward Telfair, 1; Benjamin Lincoln, 1.

George Washington having received all the votes cast, and John Adams the next highest number, were declared President and Vice-President of the United States; and on the 30th of April, the President and Vice-President, attended by the Members of Congress, were joined by the Senators; the Chancellor of New

York administered to the President the constitutional oath of office, concluding with, "Long live George Washington, President of the United States."

The President, having taken his seat, after a brief pause, proceeded to deliver his Inaugural Address.

The wheels of the new Government were being fast put into motion. But, so far, the Union consisted of only eleven States. Georgia had not yet ratified the National Constitution, and Rhode Island had neither sent delegates to the Convention, nor made any move toward entering the Union; so that Rhode Island and Georgia were *foreign nations*, and were now acknowledged as such, by Congress passing special laws exempting their goods—the growth or manufacture of these States—from foreign duty, and their vessels to be entered on the same privileges as those of the United States, until the 15th of January, 1790. Georgia and Rhode Island subsequently adopted the Constitution, and became members of the Union. (See States, Appendix.)

The first business attended to was the rates of tariff on imports, and the presentation of the application of the Legislature of Virginia, proposing amendments to the Constitution, which brought on a warm debate upon the *constitutional* manner of proposing and enacting such amendments. The next subject demanding *constitutional* application was the question raised upon the appointment and *removal* of the heads of the three departments created by the Congress—the department of State, of the Treasury, and of War; and upon the question now raised, as to whether the power rested in the President alone to remove the heads of these departments, or whether, as in their appointments, the concurrence of the Senate was necessary, involved the same principles

and inquiry that have agitated the executive and legislative departments of the National Government, upon the removal of Mr. Stanton, Secretary of War, by the Executive alone, during the session of the fortieth Congress, and while the Senate was still in session.

The differences of opinion entertained and expressed in this first Congress, upon this vital question, have been happily settled by the legislative department of the nation *defining* and *regulating* the powers, and the manner of removal from civil office, by the law passed at the second session of the thirty-ninth Congress, known as the *Tenure of Office Bill.* This law settles the question of removal, in making it imperative upon the same power that *appoints* to *remove*—namely, *the President, by and with the consent and advice of the Senate.* Below are the leading features of this law:

CHAPTER CLIV. — TENURE OF CIVIL OFFICE.

SECTION 1. Persons holding, or appointed to any civil office by and with the advice and consent of the Senate, shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified. The Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General and the Attorney-General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

SEC. 2. When civil officers, excepting Judges of the United States Courts, shall, during a recess of the Senate, be shown by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable, or legally disqualified to perform its duties, in such a case the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office, until the next meeting of the Senate. Such persons shall take the oath, and give the bonds required by law. In such cases, it shall be

the duty of the President, within twenty days after the meeting of the Senate, to report to that body such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. If the Senate concurs, the President may remove the officer and appoint a successor; if the Senate does not concur, the suspended officer resumes his office, and receives again the official salary and emoluments.

The following extracts from the debates at the first session of the American Congress under the Constitution, relative to the power of removal from office, may be read with profit and interest.

In the House of Representatives, during the first session of the first American Congress under the Constitution, on the 19th day of May, 1789, upon the discussion arising upon the power of the Executive under the Constitution to appoint to or remove from office any of the heads of departments of the National Government, a resolution was introduced by Mr. Madison:

"That there should be established an Executive Department, to be denominated the Department of Foreign Affairs; at the head of which there shall be an officer, to be called the Secretary of the Department of Foreign Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and to be removed by the President."

The establishment of the office of Foreign Affairs, with an officer at its head, denominated the Secretary of Foreign Affairs, was agreed to in Committee. When they came to the mode of appointing and removing such officer, there arose a discussion upon the constitutional powers to effect this. Mr. Smith, of South Carolina, moved to strike out the words "who shall be appointed by the President, by and with the advice and consent of the Senate." He conceived the words

to be unnecessary; besides, it looked as if they were conferring power, which was not the case, for the Constitution had expressly given the power of appointment in the words there used. He also objected to the subsequent part of this paragraph, because "it declared the President alone to have the power of removal." Mr. Madison remarked:

"That, as there was a discretionary power in the Legislature to give the privilege to the President alone of appointing officers, there could be no injury in declaring in the resolution the constitutional mode of appointing the heads of departments; however, if gentlemen were uneasy, he would not object to striking it out."

Mr. Lee thought there was no objection to the words in the resolution.

Mr. Smith, of South Carolina, said:

"This officer is at the head of a department, and one of those who are to advise the President; the inferior officers mentioned in the Constitution are clerks and other subordinate persons. The words are only a repetition of the words in the Constitution, and are consequently superfluous."

The question was taken on striking out the words alluded to, and carried in the affirmative: then followed a lengthy discussion upon the power of the President to remove from office the heads of departments, which was participated in by Madison, Smith, Lee, Benson, Vincing, Bland, Jackson, Boudinot, White, Thatcher, Sylvester, Goodhue, Gerry, Livermore, Clymer, and others. Mr. Bland said:

"The power given by the Constitution to the Senate, respecting the appointment to office, would be rendered almost nugatory, if the President had the power of removal. If the first nomination of the President should be disapproved by the Sen-

ate, and the second agreed to, the President would have nothing to do but wait the adjournment of Congress, and then fill the vacancy with his favorite, who, by thus getting into possession of the office, would have considerable chance of permanency in it. He thought it consistent with the nature of things that the power which appointed should remove; and would not object to a declaration in the resolution, if the words were added 'that the President shall remove from office, by and with the advice and consent of the Senate.' He agreed that the removal by impeachment was a supplementary aid in favor of the people; but he was clearly of the opinion that the same power that appointed had, and ought to have, the power of removal."

Mr. Jackson said:

"He agreed with the gentleman in the general principles, that the body who appointed ought to have the power of removal, as the body which enacts laws can repeal them."

Mr. White:

"Thought no office under the Government was to be held during pleasure, except those which are to be constituted by law; but all the heads of departments are to be appointed by the President, and with the consent and advice of the Senate. He conceived that in all cases the party who appointed ought to judge of the removal, except in those cases which, by the Constitution, are excepted, and in those cases impeachment and conviction are the only mode by which they can be removed."

Mr. Sylvester said:

"He inclined to the sentiments of the gentleman from Virginia (Mr. Bland), who thought the Senate ought to be joined with the President in the removal, as they were joined by the Constitution in the appointment to office."

Mr. Gerry:

"The Constitution provides for the appointment of the public officers in this manner: The President shall nominate, and by and with the consent and advice of the Senate, shall appoint Embassadors, other public Ministers and Consuls, Judges of the

Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. Now, if there be no other clause respecting the appointment, I shall be glad to see how the heads of departments are to be removed by the President alone. What clause is it that gives this power in express terms? I believe there is no such. If there is a power of removal besides that by impeachment, it must rest somewhere; it must vest in the President, or in the President and the Senate, or in the President, Senate, and House of Representatives. Now there is no clause which expressly vests it in the President. I believe that no gentleman contends that it is in the House, because that would be that mingling of the executive and legislative powers gentlemen deprecate. I presume the gentleman will grant, that if there is such a power, it vests with the President by and with the advice and consent of the Senate, who are the body that appoints. I think we ought to be cautious how we step in between the President and the Senate, to abridge the power of one or increase the other."

Mr. Livermore:

"Considered this a constitutional question, and was of opinion that the same power which appointed to office had the right of removal also, unless it was restrained by an express declaration to the contrary. As the President by and with the advice and consent of the Senate is empowered to appoint Embassadors, certainly they have a right to remove them and appoint others. * * * * He took it, therefore, in the present case, that the President and the Senate would have the power to remove the Secretary of Foreign Affairs. The only question, therefore, which appears to be before the Committee, is, whether we shall give this power to the President alone?"

Mr. Bland:

"Their inquiries were then reduced to this point: Does it reside, agreeably to the Constitution, in the President, or in the President and the Senate? The Constitution declares, that the President and the Senate shall appoint; and it naturally follows that the power which appoints shall remove also. What would be the consequence of the removal by the President alone?

He had already mentioned and need not repeat. A new President might, by turning out of the great offices, bring about a change of the ministry and throw the affairs of the Union into disorder; would not this in fact make the President a monarch, and give him absolute power over all the great departments of the Government? It signifies nothing, that the Senate has a check over the appointments, because he can remove and tire out the good disposition of the Senate."

The arguments in favor of the power of removal being in the President alone were urged with great earnestness, and a majority of the House seemed to favor that view, for on the question being put on the resolution, that "by and with the advice and consent of the Senate" be added, it was lost—more upon the ground, however, that as it was left to the Congress to place the appointing power where it saw fit; that it might also regulate the manner of removal, if any should be deemed necessary, in addition to those methods prescribed by the Constitution. The "Tenure of Civil Office Act" puts to rest this agitating question.

At the time alluded to above (the meeting of the first Congress), twelve amendments were proposed to the Constitution, ten of which were soon adopted; and upon these amendments have depended much of our greatness and liberty as a nation, as also upon the subsequent amendments; but, as these amendments, together with the entire Constitution, will be made the subject of comment in a subsequent chapter, I refer the reader to it, as also to the Constitution itself, in the Appendix to this book.

## CHAPTER VII.

SLAVERY.—ITS ORIGIN.—LAWS CONCERNING SLAVERY.—ABOLITION OF.—SLAVERY AMONGST THE ANCIENTS.—ADDRESS OF THE ANTI-SLAVERY ASSOCIATION.—DIVINITY OF SLAVERY.

The history of human Slavery dates back to the earliest knowledge of the human race, and a species of this iniquity seems to have existed in mild forms, brought about by distinction of physical power, the possession of some species of wealth, or by the voluntary act of men selling themselves, and even their wives and children, for the liquidation of some debt, perhaps contracted on the throw of a dice in the lottery; but the *selling* by force, and against the will of the victims, had its origin by the captors selling the conquered.

Nimrod seems to have been the first dealer in slaves after the deluge, for on his invasion of the territories of Ashur, the son of Shem, in the territory of Shinar, having seized upon Babylon, he compelled the captives to be employed in building and repairing the Capitol. Abraham, who was born about seventy years after the death of Nimrod, had three hundred and eighteen slaves, *born in his own house.*

The practice of buying and selling slaves was upheld by the Jewish laws. They were to be bought only of the *heathen*, and if any of the Jewish people sold themselves into Slavery, they were to be liberated at the year of Jubilee; and their Great Lawgiver had said: "He that stealeth a man and selleth him shall surely

be put to death;" but this applied only to their own race.

Soon the evil spread into Egypt, Arabia, Chaldea, and into every region of the earth. The Phœnicians and Greeks, in the age of Homer, were kidnapping their own countrymen and selling them into bondage, and Ulysses himself barely escaped capture and being sold as a slave.

When Philip of Macedonia conquered the Thebans, he made all the captives slaves, and Alexander, when he took the city of Thebes, sold the whole inhabitants —men, women, and children. In Athens and Rome all prisoners were held as slaves. The representation of the beautiful Hecuba, wife of Priam, complaining, as she is, like a dog chained at the gate of Agamemnon, shows the extent of the practice amongst those who afterwards claimed a place amongst the lovers of human freedom.

Fabius, when he subdued Sarentum, sold thirty thousand of the citizens to the highest bidder; and the generous man, orator, statesman and General, Julius Cæsar, sold at one time fifty-three thousand slaves, his captives in war. By the laws of the twelve tables, creditors were empowered to seize their insolvent debtors and hold them until they discharged by their labor the sums due; the children of all slaves were the property of their masters.

A species of Slavery existed among the ancient Germans and in England, as will appear by a commission issued by Queen Elizabeth, as late as the year 1574. Anglo-Saxons were held in a species of Slavery.

In Scotland, also, the Slavery of their own kin in the form of *vassalage*, service, and homage to the Laird, long kept their people behind in the march of liberty.

There is no fixed date at which to place the beginning of the Slavery of the negro; no doubt remains but that Slavery existed amongst themselves as early as the creation of their race; and centuries before a European ever saw an African, the Mohammedan Arabs were receiving slaves from Africa. Nor is the Slavery of man confined to the enslavement of the negro to the white man or of his own race; for to this day the enslavement of the *white* by the colored races of Africa, although of rare occurrence, still has existence. Neither can we well understand that the enslavement of the white race in this Republic did not exist to a very great extent up to the close of the late rebellion; indeed, since the passage of the national laws prohibiting the importation of slaves, and making it a felony, the proprietors of the original African stock held it in such *affectionate* embrace that it grew pale by degrees, and although the chattel bore a strong family resemblance to the ancestors and present proprietors of the plantation, and the microscope had to be applied to his head to determine his status in the Courts of law, two facts alone were necessary to place him on the schedule of the insolvent, on the list of the bankrupt or forced sale, and liable for the debts of his master, viz: Had he *any African blood in him, and was he born in Slavery*—was his *mother a slave?* Either one of these facts alone was sufficient to establish the proprietorship of the master who followed him into the Free States, and to cause a delivery of him, under the Fugitive Slave laws, and to proclaim him, under the decisions of the highest judicial power of the nation, "not entitled to any of the rights of the citizen."

We have seen in preceding chapters the abhorrence in which the traffic in men was held by the leading

statesmen and patriots of the revolutionary times, and in our own day, how the common humanity of our nature rebels against such a practice. The very idea that a Government *could* be Republican in form and maintain within its Constitution and laws a force holding certain classes of its inhabitants as merchandise, is an inconsistency at once palpably at variance with the meaning of the word Republic, and inconsistent with the theory and principles of a free nation; but the Constitution upheld this practice, and with each succeeding year, with the increase of the interests of the slave population, their increase in numbers, and their political influence in the representation in the National Legislature, came forth the stern demands of the proprietor for protection of, and guarantees against any interference with the institution, either State or National. These demands involved two subjects of vital importance, which for the last thirty years had absorbed the whole public attention, and diverted the legislative branch of the nation from the consideration of all things not interested with them—Slavery, its protection within the Slave States, and its rights in the public territory.

The humane Thomas Jefferson, soon after his accession to the Presidency, in his message to Congress in 1806 and 1807, recommended to that body the passage of laws prohibiting the importation of persons of color and abolishing the slave trade; which, by the Constitution, might be terminated at the end of the year 1807. A law was passed, taking effect January 1st, 1808, prohibiting the slave trade, or importation of persons of color, for the purpose of selling or holding them as slaves, and making it a high crime, subject to fine and imprisonment. This was a step in the for-

ward march of liberty. By this the great supply fountains of the raw material were cut off from the South, and a careful *husbandry* of the stock on hand had to be resorted to in order to propagate the species; and from this period dates the marked discoloration and assimilation of the American negro to the American citizen.

The abomination of this new *feature*—of men, women and children, born on American soil, and white as their masters, being the subjects of sale, sold and separated regardless of the ties of affinity and consanguinity that bound them together—had excited the just indignation of the masses of the Free States, where a love of industry and honest gain from the results of their toil had broken down the ancient landmarks of class and family prestige, and where a new field of unbounded activity and prosperity drew the masses more closely together, upon a common platform, than had been reached in any land, since the introduction of civilization.

This growing feeling of resentment, as might have been expected, began to take practical form under the shadow of the *Charter Oak*—beside the towering column of Bunker Hill Monument—by the side of Faneuil Hall—at the schools of learning at Cambridge—on the altar dedicated to the service of God—upon the same soil and by the descendants of those fearless patriots who bearded the British lion and wrenched from English tyranny the jewel of American liberty.

Following in the march of freedom, soon all the Free States, or the greater portion of their people, joined in sympathy and coöperation with the party of emancipation, and formed the Anti-Slavery organization, which, from 1833–5, so agitated the Slave States against the operations of these societies. Powerful combinations of men at the North were formed to

oppose them; and the South, after enacting severe penalties for the crime of "agitating" the subject, the circulation of papers and tracts, and after offering large rewards for the heads of leading Abolitionists at the North, South Carolina, by public meetings, declared that, unless the Free States put an end to these Anti-Slavery Societies, at their next meeting, she would secede from the Union. From this date forward, until the opening of the late rebellion, an active contest and bitter hostility existed between the Slave and Free States, all growing out of the altered condition of the North and South, and the incompatibility of Slavery existing in a Republic. The issue was fairly joined in this: The South said Anti-Slavery agitation must be stopped; that all papers advocating the emancipation of the slaves were destructive of Southern interests and seditious, and ought to be prohibited from being circulated in the mails, and charged the Anti-Slavery Societies as being disturbers of the public peace, and in favor of a dissolution of the Union; to which the American Anti-Slavery Association, in August, 1835, issued the following declaration of principles:

To the Public.

"In behalf of the American Anti-Slavery Society, we solicit the candid attention of the public to the following declaration of our principles and objects. Were the charges which are brought against us made only by individuals who are interested in the continuance of Slavery, and by such as are influenced solely by unworthy motives, this address would be unnecessary; but there are those who merit and possess our esteem who would not voluntarily do us injustice, and who have been led by gross misrepresentations to believe that we are pursuing measures at variance, not only with the constitutional rights of the South, but with the precepts of humanity and religion; to such we offer the following explanations and assurances:

"1st. We hold that Congress has no more right to abolish Slavery in the Southern States than in the French West India Islands; of course, we desire no national legislation upon the subject.

"2d. We hold that Slavery can only be lawfully abolished by the Legislatures in the several States in which it prevails, and that the exercise of any other than moral influence to induce such abolition is unconstitutional.

"3d. We believe that Congress has the same right to abolish Slavery in the District of Columbia that the State Governments have within their respective jurisdictions, and that it is their duty to efface so foul a blot from the national escutcheon.

"4th. We believe that American citizens have the same right to express and publish their opinions of the Constitution, laws and institutions of any and every State and nation under heaven; and we mean never to surrender the liberty of speech, of the press, or of conscience—blessings we have inherited from our fathers, and which we intend, as far as we are able, to transmit unimpaired to our children.

"5th. We have uniformly deprecated all forcible attempts on the part of the slaves to recover their liberty; and were it in our power to address them, we would exhort them to observe a quiet and peaceful demeanor, and would assure them that no insurrectionary movements on their part would receive from us the slightest aid or countenance.

"6th. We would deplore any servile insurrection, both on account of the calamities which would attend it, and on account of the occasion it might furnish of increased severity and oppression.

"7th. We are charged with sending incendiary publications to the South; if by the term *incendiary* is meant publications containing arguments and facts to prove Slavery to be a moral and political evil, and that duty and policy require its immediate abolition, the charge is true; but if this charge is used to imply publications encouraging insurrection, and designed to excite the slaves to break their fetters, the charge is utterly and unequivocally false. We beg our fellow citizens to notice, that this charge is made without proof, and by many who confess that they have never read our publications, and that those who make it offer to the public no evidence from our writings in support of it.

"8th. We are accused of sending our publications to the slaves, and it is asserted that their tendency is to excite insurrections. Both of the charges are false. These publications are not intended for the slaves, and were they able to read them, they would find in them no encouragement to insurrection.

"9th. We are accused of employing agents in the Slave States to distribute our publications. We have never had one such agent; we have sent no packages of our newspapers to any person in those States for distribution, except to respectable resident citizens, at their own request; but we have sent by mail single papers addressed to public officers, editors of newspapers, clergymen, and others; if, therefore, our object is to excite the slaves to insurrection, the masters are our agents.

"We believe Slavery to be sinful, injurious to this and to every other country in which it prevails; we believe immediate emancipation to be the duty of every slaveholder, and that the immediate abolition of Slavery, by those who have a right to abolish it, would be safe and wise; these opinions we have freely expressed, and we certainly have no intention to refrain from expressing them in future, and urging them upon the consciences and hearts of our fellow citizens who hold slaves or apologize for Slavery.

"We believe the education of the poor is required by duty, and by a regard for the permanency of our republican institutions. There are thousands and tens of thousands of our fellow citizens, even in the Free States, sunk in abject poverty, and who, on account of their complexion, are virtually kept in ignorance, and whose instruction in certain cases is actually prohibited by law. We are anxious to protect the rights, and to promote the virtue and happiness of the colored portion of our population, and on this account, we have been charged with a design to encourage intermarriages between the whites and blacks. This charge has been repeatedly, and is now again denied, while we repeat that the tendency of our sentiments is to put an end to the criminal amalgamation that prevails wherever Slavery exists.

"We are accused of acts that tend to a dissolution of the Union, and even of wishing to dissolve it. We have never 'calculated the value of the Union,' because we believe it to be inestimable, and that the abolition of Slavery will remove the chief danger of its dissolution; and one of the many reasons why we cherish and will endeavor to preserve the Constitution is,

that it restrains Congress from making any law abridging the freedom of speech or of the press.

"Such, fellow citizens, are our principles. Are they unworthy of Republicans and Christians? or are they in truth so atrocious, that in order to prevent their diffusion you are yourselves willing to surrender, at the dictation of others, the invaluable privilege of free discussion; the very birthright of Americans? Will you, in order that the abominations of Slavery may be concealed from public view, and that the Capitol of your Republic may continue to be, as it now is, under the sanction of Congress, the great slave mart of the American Continent, consent that the general Government, in acknowledged defiance of the Constitution and Laws, shall appoint throughout the length and breadth of your land, ten thousand censors of the press, each of whom shall have the right to inspect every document you may commit to the Post Office, and to suppress every pamphlet and newspaper, whether religious or political, which in his sovereign pleasure, he may adjudge to contain an incendiary article? Surely we need not remind you, that if you submit to such an encroachment on your liberties, the days of our Republic are numbered; and that, although Abolitionists may be the first, they will not be the last victims offered at the shrine of arbitrary power."

The principles enunciated in the above resolutions, were not alone the sentiments of the body in whose name they were issued, but were echoed from the silent tomb by the departed friends of freedom, who, in the Constitutional Convention of 1787, bartered the African away for the sake of establishing a Union, which could not otherwise have been accomplished under the stern threats of Georgia and South Carolina—"no Slavery, no Union;" nor could it be thus accomplished, under the solemn announcement of the American people, when they declared their independence, that "we hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness."

Could the principles advocated by both parties live, and the American Republic live? In their first aspect they are arrayed against each other as opposite elements. One came from the Occident, stern as an iceberg, his heart cold as the North Pole, bearing chains and scourge, full of profane oaths, passion and lust; with locks hoary with frost, the breath of whose stern command strikes terror to the hearts of the oppressed, and whose lightest word chills the soul of the captive.

The other came from the fair land of hope, the handmaid of equal justice, smiling upon the fair prospect of Spring, distributing with a liberal hand the fragrant flowers whose leaves glowed with morning's warm sun, and whose petals emitted inspiring perfumes, singing choral notes that were echoed back by celestial hosts and touched with magic wand the heart of the slave, and his soul glowed with hope—she smiled upon the captive in his cell, and the closed doors were flung open and his shackles fell.

Avarice and crime called to their aid the influence of wealth, wrung from the toil and tears of poor humanity, bound to a doom more terrible than the car of Juggernaut, and invoked the passions of ignorance and prejudice, the barbarism of *caste*, and even called upon sectarian, intolerant bigotry, in the name of what was called religion, to bind fast the shackles upon the captive, and the hosts of Slavery rallied to the standard, and lent willing aid to perpetuate the bondage of the slave, whose feeble voice, crying for deliverance, was drowned in the jubilant shout of the captor, as he riveted anew the chains of his victims.

During all these long years, the elements of the destruction of this mighty crime and blot upon the fair name of American Liberty, were slowly and surely pro-

gressing. "Forefather's Rock" had been washed of this sin. Massachussetts, always in the front ranks of equal justice, had declared that no child of God could stand upon her soil, or look upon the towering monuments erected to the memory of her illustrious sons who fell in defense of liberty, and be a slave. All the New England States had declared the same, and others soon followed; a new era in the history of the race had dawned, and the wheels of equal justice began to move the car of liberty, and up from the sea-side, wherein the Pilgrim Fathers had cast the anchor of hope, came the voice of intelligence and reason, proclaiming against the iniquity of the traffic in man. The engine of its destruction was already in motion; the potent power of education was digging at its roots; each reverberation of the press cast missiles of destruction into the camp of the "peculiar institution;" each sermon preached and each hymn sung in the houses of worship, wafted hope to the oppresssd; every school-house erected was an intrenchment of the army of conquest; and each troop of children "with satchel and shining morning face," on their march to school, was but the prelude to the hosts of the armies of freedom, who marched upon the citadel of the slave-holder, and crushed the strongholds of bondage, and lifted the unfortunate subject of oppression upon the broad platform of manhood equality before the law.

The doctrines advocated by the slave-holders of America as promulgated by the expounders of their institutions, John C. Calhoun, Jefferson Davis, Alexander H. Stephens, and others, of the *divine right* to hold slaves, seems to have had advocates at earlier periods of our history; but this *divine* doctrine did not apply alone to the colored races, but also to *barbarians;*

a term not applicable to the colored more than to the white race of men; the meaning of the word being foreign, wild, or things in their normal condition. The Greeks and Romans called all foreigners—such as lived *without* their countries, and were ignorant of their language, laws and customs—barbarians. The word *barbarian* with them was not reproachful as with us; they applied it to things, as to manufactures made abroad, as *Barbaricæ Vestes*, embroidered garments from foreign nations; *Barbaricum Aurum*, gold from Africa. When applied to man, it meant a foreigner; and all such were considered slaves, and the Greeks and Romans considered themselves their masters so soon as they entered their countries.

At a later period, it was thought by other nations, that to hold men in Slavery, would aid in teaching them the Christian religion; and to this end, the pious King Louis XIII signed a law, declaring all negroes within his dominions slaves. Who knows, but that it was from a reading of this *Christian* law, and the pure piety of the Vice-President of the late Southern Confederacy, A. H. Stephens, that he conceived the philosophical ideas, advocated by him, of the *divine* right of Slavery.

The anti-Christian operations of the armies of the Republic of America, and the anti-Christian Proclamation of Emancipation, issued by Abraham Lincoln, no doubt entitle the whole Republican party to the name of *barbarians*, in the estimation of the slave-breeders of the South and their Democratic brethren of the North.

The doctrines and notions of Slavery and *barbarians*, as practiced and understood in Europe, had found early advocates in the Colonies of America. Virginia, (the mother of Presidents, and the mother of Slavery

in the United States) not satisfied with introducing Slavery of the negro into America, (twenty having arrived at Jamestown, Virginia, on board of a Dutch ship in 1620, the first in America) soon conceived the idea of enslaving the *barbarian*, and to this end enacted a code of laws, that has been in strict conformity with the sentiments of the leaders in the Slave States up to the date of Emancipation. With this exception, the slave-breeder of the latter days, neither discriminated between his own child (if a little mixed) and the negro, nor between "Christian and *barbarian*."

As early as the year 1679, the chivalry of Virginia passed laws, turning over to the soldiers the absolute possession of all Indians captured by them. The statute reads: "For the better encouragement of soldiers, that all Indians taken prisoners in war in the Colony, should be the property of their captors."

Soon after this, it was held that all persons not *Christians*, could be held as slaves. In the case of Hudgins *v.* Wright, it was held by Judge Tucker in 1682, "That all servants brought into Virginia by sea or land, not being Christians, whether negroes, Moors, mulattoes, or Indians; and all Indians which shall hereafter be sold by neighboring Indians, or any other trafficking with us, as slaves, shall be slaves to all intents and purposes."—*Hamirag and Mumford's Reports*, p. 139.

## CHAPTER VIII.

TERRITORY OF THE UNITED STATES. — GOVERNMENT OF THE TERRITORY.— SLAVERY IN THE TERRITORY.—ADMISSION OF MISSOURI.—OPPOSITION TO HER ADMISSION.—MISSOURI COMPROMISE.—POSITION OF THE FRIENDS OF FREEDOM AND OF SLAVERY.—SPEECHES UPON BOTH SIDES.

One of the subjects agitating the public mind during the past thirty years, was in relation to the government of the public domain, the great cause of which had its origin in the interests of the Slavery question. The Territories stretching westward from the Missouri to the Pacific, were filling up with a population chiefly from the Free States, carrying with them all their love of liberty and hatred of Slavery. Ohio, Illinois, Michigan and Iowa, had planted themselves upon the territorial domain, reaching from the Ohio to the great lakes in the west, and had been admitted as Free States. Minnesota was still further northward; Wisconsin entered the Union from the west, in 1848, with a prohibition of Slavery; and now, in 1850, the jewel of the Republic, California, with an area greater than that of all the New England and Middle States, and with a climate, natural mineral and agricultural resources, unequaled in the world, came with Neptune's trident from the shores of the Pacific, and the golden harvest of her mountains, proclaiming that her hardy sons had planted the flag of liberty where the aurora borealis reflects back departed day, and demanded admission into the family of States. Her Constitution was examined, to see if it was Republican in form.

Article I. Section 18, reads: "Neither Slavery nor

involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State." The Constitution in all its forms seemed to be Republican; indeed *too much* so to suit the Senators and Representatives from the Slave States. The friends of freedom were anxious for her admission, but they were met early in the proceedings with bitter opposition from the South. The emaciated form of the leading spirit of "State Rights," ever true to his instincts, was in the Senate Chamber — the sands of life fast running through the glass, and the kingdom of Slavery crumbling before his gaze, from the Atlantic to the Pacific — all the heresies of his youth unrepented, and the accumulated sins of half a century fresh blown upon him; still, with a fiendish propensity clinging to the relics of barbarism, he exerted every physical and mental effort at his command, to delay the admission of the new State, upon the specious argument of her coming into the Union without having gone through the probationary process of a Territorial Government, and her unwieldy proportions. Nor was the voice of John C. Calhoun, the only one raised against the admission of California; for now, as in 1820, on the application of Missouri for admission into the Union, the powerful combination of the entire South stood arrayed against her; but unlike that contest, the South did not pretend to feel disposed to enter into any "Compromise" for the interdiction of Slavery in the western territory. The act called the "Missouri Compromise," had already proved inoperative, as Slavery was extending itself into the whole western territory. Compromise had passed from the thought of the leaders of the South, who, now that they had violated the Missouri compact, claimed that Congress had no right to legislate upon

Slavery in the Territories; in fact this was their doctrine when they entered into the solemn agreement as follows, in 1820, on the admission of Missouri, which is known as the MISSOURI COMPROMISE:

"That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes, north latitude, not included within the limits of the State contemplated by their act, Slavery or involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall be duly convicted, shall be, and is hereby forever prohibited. *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor as aforesaid."

Some of the positions taken, and arguments made, by the friends and opponents, at the time of this compact, to fasten the sin of Slavery upon Missouri by National sanction, will serve to aid the reader in determining upon the justice or injustice of this league with the traders in men.

On the 16th day of March, 1818, a petition from the inhabitants of Missouri, for admission into the Union, was presented to Congress. The petition for the admission of Maine was now also before that body; little objection was offered to her admission, save by members from the South, who were anxious that certain doctrines which had arisen regarding the admission of States from territory west of the Mississippi should be settled, "which," said Mr. Clay, "if persevered in, no man can tell where they will end. If conditions were to be demanded upon the admission of a State, where was the limit?" Mr. Taylor, of New York, said:

"Congress may admit new States into the Union. * * *

The Constitution imposes upon Congress no obligation to admit new States; it permits none to *demand* admission; it authorizes no member of the Confederacy to require such admission. The President and Senate cannot by treaty admit a State into the Union, nor can they impose on Congress an obligation to do it. The admission of Louisiana, which was part of the same Territory with Missouri, was not claimed as a matter of right; it was solicited as a favor. The propriety of imposing conditions, was then thought reasonable and Constitutional too. A political, as well as every other society, should prescribe the manner of obtaining the conditions of membership. The power of admitting new States and making the laws necessary and proper therefor, gives the right for which we contend; and according to the plain and natural interpretation of language, appears too evident to need further illustration.

"By the treaty with France, Congress acquired an incontestable title to the domain, and possession of the ceded territory in full sovereignty, with all its rights and appurtenances. The only limitation on the exercise of this sovereignty, must be found in the Constitution. The sovereignty is general, but must be exerted in a manner consistent with the principles of our National Government; it, therefore, becomes important to ascertain what these principles are, in relation to the amendment on your table; in other words, is the power of holding slaves a Federal right? In discussing this question, we ought carefully to distinguish between the principles of the United States Government, and those of particular States.

"The doctrines of New Hampshire and Georgia in regard to Slavery, are diametrically opposite, and cannot both be the doctrines of the United States. The Federal Government is as distinct from each of these as they are from each other. All these rightfully exercise a limited sovereignty in their proper sphere. We further premise, that in a Confederacy like ours, the principles of a dominant State naturally acquire a currency and artificial value from their connection with honor and power. It is evident enough that the United States Government does not belong to Virginia any more than to Ohio, * * * and is there less danger that the principles of Virginia in regard to Slavery, will acquire popularity, and ultimately pass for those of the nation, because she is wise in her policy, and maintains her consequence in every department of your Government?

"But let us examine what are the principles upon which the United States Government is founded. Do they justify Slavery? I answer they do not. Congress with its sovereignty, has constantly endeavored to prevent the extension of Slavery, and has maintained the doctrine, 'that all men are born equally free;' but has disclaimed, and continues to disclaim, any right to enforce this doctrine upon State Sovereignties.

"The first truth declared by this nation at the era of its independence was, 'That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these, are life, liberty, and the pursuit of happiness.' Are we willing to pronounce this declaration, for the support of which the fathers of our Revolution pledged their lives and fortunes, a flagrant falsehood? Was this declaration a solemn mockery? Did such men as Jefferson, Adams, Franklin, Sherman and Livingston, proclaim to the world a self-evident truth, doctrines they did not believe? Did they lay the foundations of this infant Republic in fraud and hypocrisy? The supposition is incredible. These men composed the Committee which reported the Declaration of Independence; four of them were delegates from Massachusetts, Pennsylvania, Connecticut, and New York. They expressed the opinions of the States they represented. The sentiments of their Chairman on this interesting subject, are not contained in the Declaration alone; if further evidence be required as to his opinions, it is abundantly furnished in his 'Notes on Virginia.' His denunciation of Slavery is there expressed in language too distinct to be misunderstood; its injustice is portrayed in glowing colors, and its evils portrayed with glowing eloquence. While books are read or truths revered, his sentiments on this subject will insure to their author unfading honor.

"In 1803, Louisiana, including the Territory of Missouri, was purchased from France. The third is the only article of the Treaty relating to the subject before us; it consists of three parts. *First.*—The inhabitants of the ceded Territory shall be incorporated into the Union of the United States. This promise was to be executed immediately. It extended to all the inhabitants, wherever resident, and depended on no contingency; without it, they might have continued aliens, and been treated like the inhabitants of a conquered province. The obligation imposed by this clause, was discharged by Congress in passing the act of

1804, organizing Louisiana into two Territories, and providing for the temporary government thereof. By this act they were incorporated into the Union, and the laws of the United States were extended to them, and they became part of the American family, subject to its rules and regulations, and bound to obey its authority. Their allegiance was transferred from France to the United States; they were obliged to support our Constitution and maintain our laws; they necessarily acquired some new privileges, and lost some formerly enjoyed. For example: they lost the privilege of employing ships in the slave trade—of buying foreign slaves—of punishing heresy—and in short, of being governed by the laws of France; and they acquired the privilege of being governed by the American Congress on principles of freedom. These consequences necessarily followed their incorporation into the Union. * * *

"The rights of United States citizenship are founded on the Constitution. They are permanent, too, and cannot be taken away or affected by State laws; but the right of holding slaves may be taken away by State laws; therefore, it is not a right of United States citizenship, and consequently was not guaranteed to the inhabitants of this Territory by treaty. The inhabitants had no right to calculate on holding slaves; neither the principles of the Constitution, nor the practice of the Government, justified that expectation. Congress had allowed Slavery to exist in no Territory, where its allowance had not been made by the State ceding it an express condition of the cession. These inhabitants could not reasonably expect greater rights than were enjoyed by those of the original Territory of the United States. They were authorized to expect the protection of self-government, in the same manner as it had been granted to them. They were subject to the determination of Congress as to time, manner, boundaries, and every other condition.

"The third clause of the article: That the inhabitants in the meantime, shall be maintained and protected in the free enjoyment of their liberty, property, and their religion which they profess.

"Without stopping to inquire into the general significance of the word *property*, I take it for granted that it does not include the future generations of men, who may be born in the Territory. * * *

"The States of Ohio, Indiana and Illinois were admitted into

the Union in 1802, 1816 and 1818; and the restriction against Slavery was applied, without opposition, to all of them. They formed their Constitutions accordingly, and are now reaping the rich reward of civil, as well as political freedom.

"The Slave Trade was abolished by the Act of 1807, to take effect on the first day of January, 1808; being the earliest day on which Congress could exercise that power. In this manner Congress has respected the rights of men, and has endeavored, in pursuance of the principles of the United States Government, to limit the extension of Slavery as much as possible."

On January 28th, 1820, the discussion of the admission of Missouri still being under consideration, Mr. Smyth, of Virginia, said:

"Has the power to legislate over Slavery been delegated to the United States? It has not. Has it been prohibited to the States? It has not. Then it is *reserved* to the States respectively, or to the people; consequently it is reserved to the State of Missouri or to the people of that State, and any attempt of Congress to deprive them of this reserved power will be unjust, tyrannical, unconstitutional and void. * * *

"The people of each of the States who adopted the Constitution, except Massachusetts, owned slaves, yet they considered their own Constitutions to be Republican; and the Federal Government has not, by virtue of its power to guarantee a Republican Constitution to each State in the Union, required a change of the Constitution of any one of these States.

"The Constitution recognized the right to the slave property, and it thereby appears that it was intended by the Convention and by the people that that property should be secure.

"The representation of each State in this House is proportioned by the whole number of free persons and three-fifths of the number of slaves. In forming the Constitution, Southern States, Virginia excepted, insisted on and obtained a provision authorizing them to import slaves for twenty years; and the Constitution provides that slaves running away from their masters in one State and going into another, shall be delivered up to their masters.

"It has seemed to some, that, as Ohio was required to form a Constitution agreeing with the Ordinance of Congress of 1787,

which excluded Slavery from the Territory northwest of the Ohio river, therefore Missouri may be likewise required to exclude Slavery by her Constitution. Whatever be the effects of the Ordinance of 1787, it has no application to Missouri; but I contend that Ohio is not bound by the ordinance; that she is at liberty to decide as she please the question whether she will or will not exclude Slavery."

The following sample of Pro-Slavery eloquence will tend to illustrate the passions of its advocates. The admission of Missouri, February, 1820, being still under discussion in the House of Representatives, Mr. Reid, of Georgia, among other things, said:

"But let gentlemen beware! Assume the Mississippi as a boundary; say that to the smiling Canaan beyond its waters no slave shall approach, and you give a new character to its inhabitants, totally distinct from that which shall belong to the people thronging on the east of your limits. You implant diversity of pursuits, hostility of feeling, envy, hatred and bitter reproaches, which, if you remain inexorable, if you persist in refusing the humble, the decent and reasonable prayer of Missouri (to hold slaves), is there no danger that her resistance will rise in proportion to your oppression?

"Sir, the firebrands which are even now cast into your society, will require blood; aye, and the blood of freedom for its quenching. Your Union shall tremble as under the force of an earthquake; while you incautiously pull down a constitutional barrier, you make way for the dark tumultuous and overwhelming waters of desolation. If you now sow the winds must you not reap the whirlwinds?"

According to Mr. Reid's ideas, restricting Slavery in Missouri was sowing the winds.

On February 4th, the Missouri bill being still before the House, Mr. Hardin, of Kentucky, said:

"One portion of the United States brings forward and supports this amendment, under the imposing name of humanity, sympathy and religion, at the same time uttering the bitterest

curses against the odious and abominable practice of retaining a part of the human family in bondage. I acknowledge there would be great propriety in reprobating the practice upon this occasion, if we were the authors of it, or could get clear of it; but it has been our misfortune to have it entailed upon us by that Government under which we were colonized; and however eloquently gentlemen may declaim upon the subject of universal liberty, it proves nothing on the present question, although it may captivate and enlist all the finer feelings of the sensibilities of the heart. But I fear, I greatly fear, Mr. Chairman, that gentlemen are fighting under false colors—that they have not yet hoisted their true flag. As this contest is upon the great theatre of the world, in the presence of all the civilized nations of the earth, and as it is to be viewed by an impartial posterity, would it not be more magnanimous to haul down the colors on which is engraven humanity, morality and religion, and in lieu thereof, unfurl the genuine banner, on which is written a contest for political consequence and mastery?

"On one side of the House, Mr. Chairman, we are contending, not for victory, but struggling for our political existence. We have already surrendered to the non-slaveholding States, all that region of the American Empire between the great rivers, Ohio and Mississippi; and if you tear from us that immense country west of the Mississippi, we may at once surrender at discretion, crouch at the feet of our adversaries, and beg mercy of our proud and haughty victors.

"Behold, Mr. President, how our tables groan with the cumbrous mass of memorials and petitions from town meetings, Colonization Societies, and Emancipation Clubs, together with resolutions from all the non-slaveholding States. This mode of [illegible]ting on this House is extremely unfriendly, and hostile to the enactment of good, wise, and salutary laws. * * *

"The amendment is fraught with great injustice to the people of Missouri. Those who lived there and had slaves when the country was transferred to the United States, were told in the most solemn manner, by the very terms of the Treaty itself, that they were to be secured in the free enjoyment of their property, and it was then well known to the contracting parties, that a great number of the inhabitants had slaves. To those who have moved there since, what has been the language of this Government to them? It was, that Slavery should be tolerated there, because

Congress, in the territorial administration of the Government of that country, did not prohibit it.

"Under the persuasion that that description of property was, and would continue to be well secured to the rightful proprietors, we are told that the slave property which is now there, shall be secure to the owners.

"I have shown that the increase is to be taken from them if the amendment be adopted, and the same by necessity acceded to by the people of Missouri, what will follow as the consequence? This—that emigration from the slaveholding States being substantially prohibited, the population will flow into that country exclusively from the North, and in the course of a few years, by State regulations, their slaves will be taken from them. The gentlemen who advocate this amendment, well know the consequences that will follow from the restriction as now proposed. Their declaration that the slave property now there is not eventually to be effected, is insidious; it cannot deceive us, the nation, or gull the people of Missouri. If this were not the expected and looked-for consequence, that master-stroke of Northern politics, to make it a non-slaveholding State, would be an abortion, and fall short of its mark.

"The people of Missouri have sagacity enough, if this amendment should be adopted, to know upon what they have to depend; that is, their resistance to the measure, or an abandonment of their country and homes, because they will never consent to give up and lose their slave property. * * * I call upon the gentlemen from both sides of this House, to tell me what is to be the consequence if this question is not settled in some way, this session. I may be asked how is this to be done? I answer, by a *Compromise*, and in no other way. Can either party be so vain as to expect a victory? Behold, and see how this nation is divided! Eleven States against eleven, a small majority in this House in favor of this amendment, a small one in the Senate against it, and the Cabinet, perhaps, not unanimous.

"This dispute is like no other that ever came into this House; that was ever laid before the legislative body of this nation. Party spirit, I know, has at times run high, but the great danger from this question, as it relates to the safety and integrity of the Union, is this: That it is not the same State divided into parties; it is not the States in the same section of the Union divided against each other; it is the North and the East, against the

South and the West. It is a great geographical line that separates the contending parties; and those parties, when so equally divided, shake mighty empires to their centre, and break up the fountains of the great deep, that sooner or later, if not settled, will rend in twain this Temple of Liberty from the top to the bottom.

"My friends reply to me, and say, how can you compromise? How can you surrender principles? It strikes me, Mr. Chairman, that this matter can be settled with great facility, if each party be so disposed, and neither give up any point in this question, which may be called principle. Can it not be done by permitting Missouri to go into the Union with the restriction, and then draw a line from the western boundary of the proposed State of Missouri, due west to the Pacific—North of the line prohibit Slavery, and South permit it?"

On February 5th, the Missouri bill being still under discussion, Mr. Hemphill, of Pennsylvania, said:

"Mr. Chairman: The present amendment does not interfere with the slaves now held by the inhabitants of Missouri; but by its operation, their offspring will be free. The cause in which we are embarked is just, as its object is to afford to the descendants of an unhappy race, those enjoyments that heaven intended to give them; but we are met on the threshold of the discussion, and told that Congress has no right to legislate on the subject. It is said that the power is too large. It has been compared to an ocean, and that Congress ought not to be entrusted with it, the danger of it being abused is so great. It is contended, that if Congress possesses the power, they might descend to the minutest acts of legislation, and introduce new States into the Union, mere dwarfs, stripped of all the grandeur of sovereignty. * *

"But it has been said, that even this condition in restraint of Slavery, would manacle a limb of the sovereignty of the proposed State of Missouri, and bring her into the Union, as an object of scorn, altogether unworthy of the association of her sister States. This picture is most unnaturally drawn. It ought rather to have drawn her as the Goddess of Liberty, a being incapable, from the composition of her nature, of doing wrong in this respect, and yet deprived of no political strength. If any of her sister States should disdain to associate with her, the general spirit of the age would condemn such lofty pretensions.

"Our ancestors treated this subject in the true light in which Liberty and Slavery ought always to be considered; but is the spirit that warmed their breasts to pass for nothing? Is the Ordinance of 1787 to be reproached as a mere usurpation and nothing more? Let us at least condescend to inquire into these first principles, and afterwards we can perceive whether they apply to this particular case or not.

"I now, Mr. Chairman, beg leave to call the attention of the Committee, to the peculiar kind of sovereignty that is to be withheld from the proposed State of Missouri. It is pretended that she will be deprived of the right of holding men in bondage, but how can this be deemed a right? It is nothing more than a tyrannical abuse of sovereignty. All the laws on earth cannot make a right of it. When a people are overcome and enslaved for want of ability to resist, they do not lose their rights; the laws of the oppressing country take from them their remedy. They are not held as slaves because they have no rights, but they are held by force, and because there is no remedy in their power. * * * * * * *

"The contest for Liberty was bloody and expensive, and after it terminated in the achievement of an independence, and when the Representatives of the people assembled to make a Constitution, among the first difficulties that were presented to them, was the unfortunate practice of Slavery. It was pregnant with every species of embarrassment; they had fought for liberty, but were obliged to countenance within the borders of their own country, a state of bondage. For themselves, they could not bear political restraint, but their situation had been a paradise, compared to the condition of this miserable race.

"A large portion of the people at that critical moment, were constrained to yield to certain principles contained in the Constitution, as a Federal alliance was considered as the only political event, that could effectually contribute to the tranquillity and future greatness of the United States as a nation, a Comprimise was effected. * * * * * * * *

"But to these Compromises, the people of Missouri were as strangers. Could the present question in any shape have been presented to the Convention? I appeal to the candor of the Committee, if, in their opinion, it would have been sustained for a moment, by the patriots of that early day? Slavery in the old States could not be extinguished, but as to States that were

to grow up out of the Constitution, it never was intended that they should be inconsistent with the solemn professions made to the world.

"The sentiments of the nation on this subject, were fairly evinced by the disposition of the Territory northwest of the Ohio; and shall it now be made a serious question, whether we will deliberately extend the practice of Slavery to this boundless region, and deny the blessings of liberty to nations unborn, when we are left at liberty to act according to our own wishes, and when there is no plea of necessity for an excuse? I ardently hope that a different result will be the effect of our deliberations. * * * * * * * * *

"Slavery, in the abstract, strikes the heart with abhorrence. This life can have no charms, if it is not sweetened with liberty; and if a slave has any accurate knowledge of his condition nothing can appear before him but sadness, from the dawn of the morning to the close of the evening. * * The gentlemen on the other side tell us, that if the restriction is carried the Union will be dissolved. * * Will the other slaveholding States join in the contest? What is there to justify such a calamitous event? Wherein are we betraying our country? Do we not stand on the ground of our ancestors? Are we not maintaining the same principles that animated their hearts, when like a band of patriotic brothers, they unanimously excluded Slavery from the northwestern territory? I have no wish to say, that the honorable gentlemen only mean to intimidate us; that would be unkind; but I beg leave to differ with them on this subject. I have a more exalted opinion of the patriotism of the South. They will never cause American blood to be spilt, unless for reasons that would justify them in the eyes of the world; and, in the language of Mr. Jefferson, 'The Almighty has no attribute that would side with them in such a cause as this would be.'

"Has it come to this, that the existence of Slavery is to be considered as one of the pillars of our liberty? This, indeed, would be a political paradox."

# CHAPTER IX.

ADMISSION OF MISSOURI. — ANNEXATION OF TEXAS. — WAR BETWEEN MEXICO AND TEXAS. — SANTA ANNA IN THE FIELD. — HOUSTON MAKES HIM PRISONER. — WAR BETWEEN THE UNITED STATES AND MEXICO. — RESULT OF THE WAR.

From the 16th day of March, 1818, to the 10th day of August, 1821, the first date being the day upon which the petition of the people of Missouri was presented to Congress praying admission into the Union, to the latter date, the time of the admission—a period of three and a half years—the almost entire business of the nation had been neglected, and the whole energies of the members expended upon the subject of Missouri; the representatives from the Free States urging the prohibition of Slavery, and the representatives from the slaveholding States bending every energy, and exhausting every argument for her admission without any restrictions as to Slavery.

The Constitution was invoked by both sides—the one to prove that under it the General Government had the power to legislate in all things *necessary* for the government of the public domain; having the right to purchase or otherwise acquire property; to sell or otherwise dispose of it; to govern it by Federal appointment and Federal legislation. The friends of Slavery holding that the territory being the common property of the *people* of all the States, that they could, and of a right ought to, take with them their property of any description, and when framing a Constitution, they should not be debarred by Federal power from coming

into the Union, Slavery or no Slavery, as to them might seem best. The friends of restriction held that as the Constitution of the United States empowered the General Government to "make all needful rules and regulations respecting the Territory, or other property belonging to the United States," (Article IV, Section 3, Constitution), that the Congress had complete control of the Territory—could sell, convey, or in any other way that they saw fit dispose of it to any State, people or foreign Government, and that the Congress was to be the judge of what were "*needful* rules and regulations" for any of the Territory, and that in this matter they were to be the *sole judges*, and that the legislation enacted for them by the Congress, was the supreme law of the land. The *compromise*, restricting Slavery within certain limits, did not determine this point of controversy. [This subject will be further commented upon under the head of Constitutional Powers.]

The public domain into which the institution of Slavery would have been extended under the doctrine of the Pro-Slavery party and the Squatter Sovereignty doctrine, forms at this time a most prominent feature of the geographical area of the Union, the acquisition of which forms a most singularly striking coincidence of how circumstances may produce great results. The acquisition of the Territory of Louisiana is no more remarkable in its accomplishment than it is interesting in its effects. The possession of the waters of the great artery of America, the river Mississippi, had long claimed the attention of leading American statesmen. The treaty with Spain of Oct. 27th, 1795, secured the middle of the Mississippi as the boundary on the west, and also the free use and navigation of the whole river,

from its source to its mouth, to the citizens of both countries; and the citizens of the United States were to be permitted for three years to use part of the city of New Orleans for a place of deposit and exportation for their merchandise, and this privilege might be continued if not injurious to Spain; and if discontinued, then another part should be assigned—some place on the banks of the Mississippi. The provincial authorities, however, soon declared that by their new relations with the English Government these privileges to America had ceased, and that without a new order from the King of Spain the conditions then stipulated must end.

Thomas Jefferson, who had been inaugurated President of the United States in 1801, turned his first attention to acquiring the Territory of Louisiana, but it was soon ascertained that all the Territory west of the Mississippi, and that portion of Louisiana on the east, with New Orleans, had been ceded to the French by the Spanish Government for the insignificant consideration of granting in succession to the Duke of Parma, a Spanish Prince, the grand duchy of Tuscany. The superior military power of Napoleon is considered to have been a convincing argument in this affair.

The apprehensions of the American people at this cunning operation on the part of Napoleon, aroused suspicions for the future safety of the Union. In consequence of the close proximity of a new neighbor, whose proclivities for conquest and absorption were so well known, the loss of the waters of the Mississippi, or their coöccupation with an uncertain and ambitious neighbor, were equally embarrassing and dangerous, and any sacrifice must be made to possess them. The cession of the Territory to France had been kept a se-

cret for some time, and now that the fact was known, the American Government set vigorously to work to obtain at least a free right of way on the Mississippi. A commission was appointed for this purpose, as also to offer terms of purchase for the Louisiana Territory.

The American Government still had claims on Spain, for the treaty relating to the navigation of the Mississippi had been ruthlessly violated, and Mr. Livingston and Mr. Pinckney, Ministers to France and Spain, were instructed to inform those Governments of those facts. Mr. Monroe and the gentlemen who are named here, constituted a commission to secure the right of way of the Mississippi by treaty. Napoleon and his Ministers were disposed to treat them at first with but little consideration; but new features were developing themselves. Many of the leading London papers advocated the sending of an expedition of British troops to take possession of New Orleans. Difficulties between France and England were assuming a grave aspect, and the possibility of Napoleon holding his newly acquired Territory, in opposition to the powerful navy of Great Britain, seemed hopeless.

The certainty of difficulties with Great Britain daily relaxed the ambition of Napoleon to hold on to this Territory, and the fact that cash would be wanting in the coffers of France, and the fears that England might in some way become possessed of this Territory, a proposition was made to the American Commissioners to *purchase* it at about one hundred million dollars; but the Commissioners did not know that they possessed any power to *purchase* the Territory; nor indeed does it appear that Jefferson himself knew of any power in the General Government by which such an act could be done; besides, the Commissioners were only in-

structed to arrange for the occupation, on favorable terms, of that part of Louisiana east of the Mississippi, and the navigation of that river; but it was found on investigation that the Floridas and an almost limitless tract of Territory had been ceded to France, and all this she was willing to sell to America, owing to the pressing circumstances in which she found herself. Frequent consultations with Messieur Marbois, Minister of the French Treasury, brought the negotiations to a close, upon the following conditions: Vessels of France and Spain, coming directly from any part of their respective dominions, loaded only with the products of the same, to have the right for twelve years to enter the ports of the ceded Territory on the same terms as vessels of the United States. France thereafter to enjoy the privileges of the most favored nations. The sum to be paid was 60,000,000 francs, and the French debt of about 20,000,000 francs, the whole purchase amounting finally to $15,000,000.

The treaty was signed on the 30th day of April, 1803, and thus, with a single dash of his pen, for the paltry sum of fifteen million dollars, Napoleon signed away a Territory and possessions of inestimable value to the United States, and handed into the possession of the Republic the key to the waters of the king of American rivers, upon whose bosom floats from the distant West to the waters of the Gulf the bread supply of two Continents, and containing an area of rich and fruitful soil that at some distant day may support a population three times as great as that of the whole of France at the present time.

The acquisition of this vast Territory is one of the finest accomplishments of American diplomacy in the history of our country.

The addition of the Floridas and that great Territory stretching from the Rio Grande to the waters of the Pacific, embracing California, Oregon, and Washington Territory, forms a most interesting and important link in our history.

When the purchase of Louisiana was made, but little attention had been paid to its geographical limits, and whether or not it embraced the Territories of the Floridas was not fully determined—its lines were uncertain. Subsequent developments tended to give shape to this subject, when Spain laid claim to these latter Territories, which she afterwards ceded to the United States.

The vast region lying between the Mississippi and Rio Grande, known as Texas, soon called up new difficulties. The American Government had not formerly laid any claim to it, still it was supposed that it was embraced within the area of the purchase of Louisiana. The Territory of Texas during the period from the cession of Louisiana up to the organization of its State Government, furnished an active field for the adventurous American spirits, who, taking it for granted that as neither Mexico nor the United States had positively asserted ownership, and that "possession was nine points of the law," began to establish their individual claims to it, prominent amongst whom were Burr, Lafitte, Long, and Austin.

The unsettled state of political affairs in Mexico gave the people of that country but little time to attend to the affairs of Texas. But as time wore on, and the fact that Texas adjoined the Mexican State of Coahuila on the one side, and the Territory of the United States on the other, and now that the spirit of filibustering had fully set in, the subject began to agitate both Gov-

ernments. Moses Austin, a Connecticut Yankee, who had gone to Texas and represented a band of Roman Catholics who were supposed to be suffering from Protestant intolerance, received a grant from the Mexican Government to form a colony in Texas. Austin died in the same year—1821—the year in which Mexico gained her independence from Spain. Austin's son succeeded him in the grant, but with little effect. The anxiety of the United States to be in the undisturbed possession of Texas was manifesting itself.

By the advice of John Quincy Adams, President of the United States in 1827, it was agreed that a proposition should be made to the Mexican Government to pay them one million dollars for their claim on all Territory east of the Rio Grande, but from motives of policy the proposition was not made.

The idea of purchase was still prominent with the American administration. President Jackson's Secretary in 1829 made a proposition to pay to Mexico five millions of dollars for Texas, but the Mexican Government refused to sell. The Territory stood as a bone of contention between the American and Mexican Governments. It was a sweet morsel for the hungry man of Slavery, and every effort was made to colonize it with a population from the above States.

Sam. Houston, one of the most adventurous of American citizens, having passed many years among the Cherokee Indians, by whom he was made a Chief, made his way into the Territory, and aided by the slave party, soon entered upon schemes to obtain control of Texas. A Convention of the Americans in the Territory was called to frame a Constitution, to which Houston was elected a delegate. It met April 1st, 1833. A Constitution was framed, and Texas declared herself

a free and independent State March 2d, 1836, and holding no allegiance to Mexico. At this time Texas contained a population of upwards of fifty thousand, mostly Americans. Mexico, incensed at this act of assumption, at once commenced hostilities against Texas. Houston, now at the head of the Americans, met the Mexicans. Santa Anna took command of the Mexican forces, who by superior numbers defeated Houston, and in cold blood murdered, on March 20th, 357 men, the entire number captured—Santa Anna pursuing Houston in hot pursuit. But the wheel of fortune soon turned in Houston's favor. Being supplied with two guns (six-pounders) he suddenly turned upon the enemy, vastly his superior in numbers, and gained a decisive victory, taking Santa Anna prisoner, with whom he concluded a treaty acknowledging the independence of Texas.

General Houston was soon after chosen President of the new Republic, and the "Lone Star" became an independent nation.

Houston was inaugurated October 22d, 1836. The subject of declaring Texas an independent nation was urged by members of the Congress of the United States; but circumstances were developing difficulties between America and Mexico, and delay was thought advisable; still her independence was acknowledged March 1st, 1836. Meantime the political complexion of affairs with Mexico was beginning to wear a serious aspect, but the term of President Jackson's office closed without any outbreak.

Van Buren came to the Presidency in 1837, and during his administration the subject of the annexation of Texas was a prominent feature in the Congress.

The independence of Texas having been declared in

1833, and the fact that she was not admitted into the Union until the 3d day of March, 1845, the very last day of President Tyler's administration, will show that for twelve years what is now known as Texas, a State in the American Union, was an independent Republic, and as much a foreign nation as is Mexico, or any other Government. Still the *people* who created and governed the country were Americans, and strong feelings of attachment for their native country directed their attention and hopes towards the union of Texas to the American Republic.

During the last term of Jackson's office, which began in March, 1833, through all of Van Buren's term, which began in March, 1837, and through Tyler's administration, which began in April, 1841—(he having been elected Vice-President in the fall of 1840, when W. H. Harrison was elected President—Harrison having died one month after his inauguration, and Tyler succeeding to the Presidency)—through all those administrations up to the last day of Tyler's term, the subject of the admission of Texas formed a prominent feature of Congressional debate.

The situation of Texas was peculiar. America claimed and reasoned upon the cession of the territory by Spain to France, and its subsequent cession by France to the United States. Still, although many eminent Americans held to this opinion, others took an opposite view, holding that the territory belonged to Mexico, and that Congress had no power to admit her into the Union—that her acquisition must be by treaty through the Executive Department. Nor was Mexico idle upon the subject, for, as she found her neighbors, the American Republic, seeking an alliance with Texas, she stoutly proclaimed her title to that territory.

Towards the close of Tyler's administration the Slave Power at the South became loud in demands that the Government should comply with the request of the people of Texas for admission into the Union. Most of the Northern delegates opposed the annexation, and a high party feeling was manifested upon the subject. Towards the last day of Tyler's administration resolutions were passed by both Houses of Congress for the admission of Texas, and Tyler, on the 3d day of March, 1845, the last day of his administration, dispatched a messenger to Texas to secure her immediate annexation, which was soon after accomplished, and the vexed question was at an end.

The annexation of Texas led to a war with Mexico, which resulted in the acquisition of California by the United States. A suspicion existed between Mexico and the United States so soon as Texas was annexed, that difficulties would arise. Mexican forces were dispatched to the Rio Grande to look after the interests of her boundaries. The twenty-ninth Congress of the United States, which met on December 1st, 1845, made propositions to meet any emergency that might arise, and in January following General Zachary Taylor was sent at the head of an army to New Orleans, and in April following took up his position on the western line of Texas. Early in March he received orders to march to the Rio Grande. Here he found a strong force of Mexicans entrenching, and on the 12th of April, 1846, the Mexican commander requested Taylor to retreat back forthwith, warning him that did he refuse, a declaration of war would follow. Taylor did not retreat, and on the 8th of May following, the Mexican forces crossed the Rio Grande, and with 6,000 men attacked Taylor, who had only 2,300 men. The Mex-

icans were defeated, and the next day were followed up by Taylor's forces, who completely routed them, driving them in great confusion across the Rio Grande.

The war with Mexico continued with increasing success to the American arms, up to the 30th day of May, 1848, at which time a treaty of peace, friendship, limits, and settlement, between the United States and the Republic of Mexico was concluded; the ratifications of which were duly exchanged at the City of Queretaro, in Mexico.

By this treaty Mexico ceded to the United States New Mexico, with an area of 281,368 square miles (the Territory of Arizona, and a part of the Territory of Colorado have since been severed from it.) She also ceded the Territory of California (now State) with an area of 158,687 square miles. By the treaty the United States agreed to pay to Mexico twelve millions of dollars, and also agreed to assume the claims of citizens of the United States: "the claims already liquidated and decided against the Mexican Republic to an amount not exceeding three and one quarter million of dollars."

The termination of the war with Mexico, after two years duration, marked by spirited victories by the Americans, served to lend a new impulse of chivalry to the army of conquest, and tended to place its fighting qualities pretty high, at least, in the estimation of the Mexicans, who were quite willing to enter into the terms, by which, for fifteen millions, they relinquished a territory of such almost boundless proportions, embracing nearly ten degrees of latitude, reaching from Oregon to the Rio Grande; possessing climate, soil, and mineral wealth unequaled on the globe.

But not alone did the treaty above alluded to place the United States in the possession of California; for

as early as 1846, the American flag had been planted on the Pacific side, and the territory proclaimed to be the property of the United States. California at this period was a Mexican territory known as Alta California, in contradistinction from Baja California, which was then, and is still, a Mexican Territory.

# CHAPTER X

CONQUEST AND SETTLEMENT OF CALIFORNIA.—OCCUPATION OF BY AMERICANS.—RAISING THE BEAR FLAG.—ESTABLISHMENT OF GOVERNMENT.—DEBATES IN CONGRESS ON.—ADMISSION OF.—PROTEST AGAINST.—SPEECHES OF CLAY, WEBSTER, JEFFERSON DAVIS, AND OTHERS.—CALHOUN WILL MAKE CALIFORNIA THE "TEST QUESTION."

The claims of the United States to the Territory of Oregon, had been at this time (1846), pretty well established. As early as 1842 and 1844, settlers from many of the Eastern and Western States had made their way into Oregon, and even some few into California. The American Government became anxious to know more of the nature of the soil, climate, and resources of their possessions on the Pacific, and had already sent exploring parties into the country.

John C. Fremont, a brevet Captain in the Corps of United States Topographical Engineers, had left Washington in the spring of 1845, on a tour of exploration across the plains, and over the Rocky Mountains, to the Pacific; and charged with endeavoring to find the best route from the Rocky Mountains to the mouth of the Columbia River. After a most hazardous journey, he arrived with his faithful guide and escort, Kit Carson, and his men (six of whom were Delaware Indians) the whole company consisting of sixty-two men, within a hundred miles of Monterey, where he halted, and proceeded in person to the head-quarters of General Castro, the Mexican General in charge of the Territory. His object was to obtain a pass for himself and company, to go to the San Joaquin Valley, where hunting and

pasture were abundant. He received a verbal promise from the General that it would be all right, to go where he desired, and that, on his word of honor, "as a soldier," he would not be molested. Fremont and his party were soon on their way to the valley.

Three days after this, the ungallant General Castro, had raised an army of three hundred native Californians, and sent a dispatch to Fremont, notifying him to quit the country at once, else he would march upon him, and put to death his whole company. This treachery did not much surprise Fremont and his party, who replied that he would leave when he was ready. He prepared for action, entrenched himself on "Hank's Peak," about thirty miles from Monterey, and overlooking that village, where he raised the American flag. The whole company were well armed, each with a knife, a tomahawk, two pistols and a rifle.

The warlike Castro, now came dashing on, with cavalry, infantry and artillery; but after making a few ineffectual attacks, always galloped off before coming within range of Fremont's bullets. Castro issued bulletins and proclamations daily, of the impending destruction of the little band, but always keeping out of rifle range of the entrenchments. After four days of this *fighting*, Fremont broke camp and started on his journey towards Oregon. Castro was not visible.

Fremont had proceeded into Oregon, and had reached Klamath Lake, when he was overtaken by Lieutenant Gillespie, of the United States Army, who had left Washington the previous November, crossing the country from Vera Cruz to Mazatlan, and who arrived at Monterey in a United States sloop of war, and started up the valley in search of the explorers. Gillespie had letters to Fremont from the Secretary of

State, and it is supposed they, or other letters to him, from friends at Washington, caused him to retrace his steps, and return to the valley of the Sacramento. This move had been quickened by the fact, that on the very night after receiving his dispatches, and whilst all were asleep, the Indians broke into his camp, and assassinated three of his Delaware Indians, and might have slain the whole company, had it not been for the vigilance of Kit Carson, who sounded the alarm.

Fremont soon returned to the Sacramento Valley, and encamped near the mouth of the Feather River, where the settlers soon flocked around him. Great alarm was caused by reports that General Castro was on the march to attack them, with a strong force of cavalry. A company of twelve volunteers, headed by Mr. Mersite, started for the Mexican Fort at Sonoma, in Sonoma county, and on the 15th of June, 1846, entered and captured the post, where they found two hundred and fifty stand of arms, and nine cannon. Here they captured General Vallejo, and took him a prisoner to Sutter's Fort, at Sacramento.

William B. Ide, a New England man, was left to garrison the fort at Sonoma, with a force of eighteen men. General Castro having charge of the operations at Sonoma, issued his *pronunciada*, calling upon his countrymen to rise, and drive the marauders from the soil. On the 18th of June, Ide issued *his* proclamation, to the people of Sonoma, to defend themselves, and calling upon them to assemble at Sonoma, and assist in establishing a Republican Government. A flag was improvised, by painting in rude form, the figure of a grizzly bear on a piece of white cotton cloth; it followed Ide's proclamation, and was the first flag, after California was declared independent of Mexico. It is

still in possession of the "Pioneer Society" of California, at San Francisco.

Fremont was at Sutter's Fort during these eventful operations; but hearing that Castro intended a raid upon Ide at Sonoma, he reached there on the 23d of June, at the head of ninety riflemen. He met only a few retreating Mexicans of De la Torres' band, who made their way to Saucelito, where they escaped by boat across the Bay to Yerba Buena, (now San Francisco.) Castro did not appear.

Fremont returned to Sonoma, and on July 5th, 1846, his party, consisting of one hundred and sixty mounted men, concluded to make a Declaration of Independence, which they did, thus superseding the "Bear Flag." Fremont was at their head. Soon the whole company started for Sutter's Fort, intending to attack Castro, who was reported to be at Santa Clara; they soon learned, however, that he was on the retreat to Los Angeles, but they determined to follow him, (some five hundred miles).

Soon news reached them of a new feature in affairs. On the 2d day of July, Commodore Sloat, of the United States Navy, with the Frigate *Savannah* and five smaller vessels, arrived at the Bay of Monterey, California. The Commodore had no instructions from his Government to take any hostile steps on the Pacific coast; on the contrary, his mission was peace. But whilst he was at Mazatlan, he heard of the annexation of Texas, and of the certainty of war between the United States and Mexico, but he did not know of the declaration of war, by the American Congress, against Mexico, nor that General Taylor was already in the field; nor did he know that instructions were on the way to him, from his Government (dated 15th of May,

1846), directing him to take possession of Mazatlan, Monterey and San Francisco, and to declare the country the property of the United States.

Sloat is supposed to have known that the possession of California by the American Government had been much favored at Washington; besides a strong English fleet, under the command of Rear-Admiral Sir George Seymour, was hovering about the coast of California on the same day that the *Savannah* left Mazatlan. Seymour's flagship, the *Collingwood*, sailed from San Bias; both headed for Monterey, under a full press of sail, the *Savannah* being the fastest reached Monterey first, where Sloat learned of the efforts being made by the British authorities to place California under the protection of the English Government.

Governor Pico, the Mexican Governor of the Territory of California, and General Castro, were in favor of this scheme. Mr. Forbes, the English Vice-Consul at Monterey, was active in making the negotiation; and the American Consul, Thomas O. Larkin, also at Monterey, informed Sloat upon his arrival of the state of affairs; this, together with the news of the operations of Fremont and his party at Sonoma (it is supposed he heard of it), determined him at once (July 7th) to dispatch two hundred and fifty marines on shore, to hoist the American flag over the town of Monterey. A salute of twenty-one guns was fired, and a proclamation issued that California henceforth was a part of the United States.

The dull ship of the British Rear-Admiral arrived at Monterey only to see the Stars and Stripes floating over it, as a part of the Republic of America; the Admiral, too, read the proclamation, and saw that he was outwitted by Sloat, and outrun by the *Savannah*.

The day following, July 8th, by order of Commodore Sloat, a party from the United States sloop of war *Portsmouth*, landed at Yerba Buena, now San Francisco, and hoisted the American flag on the Plaza.

On the 10th, Commander Montgomery of the *Portsmouth*, sent an American flag to Sonoma which was hoisted, and the flag improvised by Ide and his men, known as the "Bear Flag," was hauled down, all welcoming the Stars and Stripes.

Commodore Stockton, on board the United States frigate *Congress*, arrived at Monterey, July 15th, just one week after Sloat had taken possession of the country, and one week later, Commodore Sloat sailed home on board the *Levant*.

Stockton was now in full command of the American fleet, aided by Commodore Dupont. Meantime, General Kearny had arrived at Monterey, crossing by way of New Mexico. He had orders from the United States Government to take possession of, and establish a Government for California; but on his arrival, he found that Sloat, Stockton, and Fremont, had already accomplished these things. The government of the country was conducted under the military authorities until November 13th, 1849, at which time a State Constitution was adopted.

The Convention to frame this Constitution met at Monterey, September 1st, 1849. Amongst the persons who have since acquired a national or State reputation, who were present at the Convention,were Captain H. W. Halleck, since General-in-Chief of the Armies of the United States, an accomplished scholar, sound lawyer, brave man and true patriot; John A. Sutter, of Sutter's Fort, the friend of the needy; Thomas O. Larkin, the first and only American Consul in

California; General Vallejo, of Sonoma; Doctor Gwin, "Duke De Gwin," of Maximilian notoriety; Edward Gilbert, founder of the *Alta California* newspaper, and first Member of Congress from California; and last, but not least, J. Ross Browne, who reported the proceedings of the Convention. Amongst the members of the Convention also was W. E. Shannon, born in Ireland, who came from New York to California in the year 1846; he it was who proposed in the Convention that clause in the Constitution which brought up such determined opposition from the Southern Democracy to the admission of California: "Neither Slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State."

The Constitution was adopted November 13th, 1849, and the State admitted by Act of Congress into the Union September 9th, 1850; thus the State of California was, from a Mexican Territory, ushered into the Union as a State, without undergoing the probationary delay of a Territorial Government.

The reader has already been referred to this subject in a preceding chapter, in which the strong desire to have this vast Territory thrown into the hands of the slave power was discussed. A few additional illustrations of this feeling, as demonstrated in the Congress of the United States upon the subject of her admission into the Union, may be interesting.

In the United States Senate, January 29th, 1850, Mr. Clay, Senator from Kentucky, said (the subject being the admission of California:—)

"Mr. President: I hold in my hand a series of resolutions which I desire to submit to the consideration of this body: Taken together in combination, they propose an amicable arrangement of all questions in controversy between the Free and Slave States, growing out of the subject of Slavery. * * * *

"It being desirable for the peace, concord, and harmony of these States to settle and adjust amicably all existing questions of controversy between them, arising out of the institution of Slavery, upon a fair, equitable, and just basis. Therefore,

"1st. *Resolved:* That California with suitable boundaries ought, upon her application, to be admitted as one of the States of this Union, without the imposition by Congress of any restriction, in respect to the extension or introduction of Slavery within those bounds.

"2d. *Resolved:* That Slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico. It is inexpedient for Congress to provide by law, either for its introduction into or exclusion from any part of said territory; and that appropriate Territorial Governments ought to be established by Congress in all of the said territory not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of Slavery."

Mr. Clay said, in support of this proposition:

"This resolution, sir, proposes in the first instance a declaration of two truths; one of law and the other of fact. The truth of the law which it declares is, that there does not exist at this time Slavery within any portion of the territory acquired by the United States from Mexico. When I say, sir, that it is a truth, I speak my own solemn and deliberate convictions. I am aware that some gentlemen now hold a different doctrine, but I persuade myself that they themselves, when they come to review the whole ground, will see sufficient reasons for a change, or at least a modification of their opinions; but that at all events if they adhere to that doctrine, they will be found to compose a very small minority of the people of the United States.

"5th. *Resolved:* That it is inexpedient to abolish Slavery in the District of Columbia while that institution exists within the State of Maryland, without the consent of the people, and without just compensation to the owners of slaves within the District.

"7th. *Resolved:* That more effectual provisions ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union."

There were eight of these resolutions, but as those already given are the only ones applicable to the subject of this chapter, the others are omitted.

The sophistry of the Kentucky orator will be visible in the resolutions above. The point raised in the first resolution was, that Congress should neither prohibit nor introduce into the State, by implied or express terms, the system of Slavery. "Let it alone," was his doctrine. He would tickle the ear of the slaveholder by assuring him that if the National Government did not establish and sustain the institution that it would not attempt to *prohibit* it.

The question raised in the second resolve was, that it was not likely that Slavery will be introduced into any of the territory within the limits of the Territory of California; and that as it was "not likely," therefore, it was "inexpedient" for Congress to provide either for its "introduction or exclusion" in said Territory. By this it was tacitly acknowledged that Congress had the power to legislate upon the subject, but that it was "inexpedient" for it to do so. The inexpediency in the matter was this; that Mr. Clay was endeavoring to escape a grave responsibility—trying to please the slaveholder at the sacrifice of cardinal principles of Federal authority, and of the laws of nations and the rights of man, while the *expediency* would have been that the highest judicial authority establish the fact, that no power existed under the Federal Constitution to capture or return slaves who might have escaped into the territory of the nation; and that so soon as a slave entered the Territories he was free. What is here said will apply to the inexpedient propositions in the fifth resolve.

The recommendations in the seventh resolve are

what disclose the *cupidity* of its author. He advised more effective laws, "according to the requirements of the Constitution," for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or *Territory* of the Union.

Article IV, Section 2, of the Constitution, provides that, "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered upon claim of the party to whom such service or labor may be due." This is all that is said in the Constitution of the Union, in relation to the return of persons held to service or labor; and this directly and in the most positive terms applied to the *States* of the Union. Where did the Kentucky Statesman find his constitutional requirements to return escaping or other slaves in the *Territories* to their masters in either the States or Territories? Let the impartial reader judge of this expounder of the Constitution.

Mr. Foote, addressing the President, said:

"The resolutions of the honorable Senator assert that Slavery does not now exist by law in the Territories recently acquired from Mexico; whereas, I am of the opinion that the treaty with the Mexican Republic carried the Constitution *with all its guarantees*, to all the territory obtained by treaty, and secured the privilege to every Southern slaveholder to enter any part of it, attended by his slave property, and to enjoy the same therein, free from all molestation or hindrance whatever.

"If all other questions connected with the subject of Slavery can be satisfactorily adjusted, I see no objection to admitting all California, above the line of thirty-six degrees and thirty minutes, into the Union, provided another new Slave State can be laid off within the present limits of Texas, so as to keep up the present

*equiponderance* between the Slave and the Free States of the Union."

Mr. Foote, having delivered himself of this exposition of constitutional *powers* and *guarantees*, had done full justice to the views of *Southern* Senators upon the same subject, but in the minds of constitutional lawyers, untainted by the influence of a pecuniary interest in the "peculiar institution," I am inclined to the belief that he will find few admirers upon the question which seemed to be settled in the honorable Senator's mind, that Slavery did exist in the territory acquired from Mexico by force of treaty stipulations with the American Government; and that the citizens of the Slave States were guaranteed protection in their property (slaves), and could enter any part of said territory, and enjoy protection from the Federal Government. Four barriers stand in the way of Mr. Foote's propositions: 1st. That the *normal* condition of man is freedom. 2d. That Slavery exists only by the operation of enacted laws or long continued custom within prescribed territories or nations. 3d. That the Mexican nation, by Act of Congress, abolished Slavery in all her States and Territories in the year 1829; and that Slavery did not exist in any of said territory at the time of its acquisition by the United States, and consequently, no conditions of that nature, nor of property in man, could have passed to the incoming nation demanding its support and protection to the citizen in this species of property. 4th. As the Government of the United States was not slaveholding, and never had been, and as Slavery was purely a creature of *State* laws, there were no guarantees in the Constitution to that species of property in the Territories.

Mr. Mason, debating the resolutions, said:

"But there is another which I deeply regret to see introduced into this Senate by a Senator from a slaveholding State. It is that which assumes, that Slavery does not now exist by law in those countries. I understand one of these propositions to declare, that by law, Slavery is now abolished in New Mexico and California. That was the very proposition advocated by non-slaveholding States at the last session, combated and disproved, as I thought, by gentlemen of the slaveholding States, and which the Compromise Bill was framed to test."

The remarks upon Mr. Foote's opinions will apply to this constitutional expounder (from a Southern stand-point).

Mr. Davis, of Mississippi (late President of the late Confederacy), next addressed the Senate on the resolutions. He said:

"As with regret I see this, the conservative branch of the Government, tending towards that fanaticism which seems to prevail with the majority in the United States, I wish to read from the journals of that date the resolutions thus adopted, and to show that they went further than the honorable Senator from Kentucky has stated. * * * * I will read the fifth in the series, that to which the honorable Senator from Kentucky must have alluded. It is in these words:

"*Resolved:* That the intermeddling of any State or States, or their citizens, to abolish Slavery in the District or any of the Territories, on the ground, or under the pretext that it is immoral or sinful, or the passage of any act or measure of Congress, with that view, would be a direct and dangerous attack on the institutions of all the slaveholding States."

Arguing upon these resolutions and the preceding remarks, he said:

"And that I may be understood upon this question, and that my position may go forth to the country in the same columns that convey the sentiments of the Senator from Kentucky, I here assert, that never will I take less than the Missouri Compromise Bill, extended to the Pacific Ocean, with the specific recognition of the right to hold slaves in the territory below

that line; and that before such Territories are admitted into the Union as States, slaves may be taken there from any of the United States, at the option of the owners. I can never consent to give additional power to a majority to commit further aggressions upon the minority in this Union. * * * * * I have not proposed to compel slaveholders to take their slaves to California, nor to renew the African slave trade there. * * * * We maintain, that it is the right of the people of the South to carry this species of property to any portion of the Territories of the United States; that it rests under the Constitution, upon the same basis as other property."

Mr. Webster, speaking upon Clay's Compromise Resolutions, March 7th, 1850, said:

"Mr. President: I wish to speak to-day not as a monarch, a Southern man, nor as a Northern man, but as an American, and a member of the Senate of the United States. * * * Now as to California and New Mexico, I hold Slavery to be excluded from those Territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature. * * I mean Slavery as we regard it—slaves in the gross, of the colored race, transferable by sale and delivery like other property. * * I hear with pain, anguish and distress the word secession. * * Peaceable secession! Sir, your eyes and mine are never destined to see that miracle—the dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish as to expect to see such a thing? Sir, he who sees these States now revolving in harmony around a common centre, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres and jostle against each other in realms of space, without producing the crash of the universe. There can be no such thing as peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here, covering the whole country, is it to be thawed and melted away by secession, as the snows of the mountains melt under the influence of the vernal sun, disappear almost unobserved and die off? No, sir! No, sir! * * I see it as plainly as I see the sun in

heaven. I see that disruption must produce such a war as I will not describe in its two-fold characters.

"Peaceable secession! peaceable secession! The concurrent agreement of all the members of this great Republic to separate—a voluntary separation, with alimony on one side and on the other; why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain America? What am I to be? An American no longer? Where is the flag of the Republic to remain? Where is the eagle still to tower?—or is he to cower and shrink and fall to the ground? * * Our children and our grandchildren would cry out shame upon us if we of this generation should dishonor these ensigns of the power of the Government and the harmony of the Union, which is every day felt among us with so much joy and gratitude. What is to become of the Army? What is to become of the Navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly, there is to be a Southern Confederacy. * * I hold the idea of a separation of these States—those that are free to form one Government, and those that are slaveholding to form another—as a moral impossibility. * * And now, Mr. President, instead of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come into the light of day—let us enjoy the fresh air of Liberty and Union—let us cherish those hopes that belong to us—let us devote ourselves to those great objects that are fit for our considerations and our actions."

Mr. Calhoun said:

"If the question is not now settled, it is uncertain whether it ever can hereafter be, and we, as the representatives of the States of this Union, regarded as Governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you who represent the strong portion cannot agree to settle them on broad principles of justice and duty, say so, and let the States we both represent agree to separate and part in peace. If you are unwilling that we should part in peace, tell us so, and we will know what to do when you reduce the ques-

tion to submission or resistance. If you remain silent you will compel us to infer what you intend. In that case, California will become the *test* question."

Let it be remembered that the only objection to the admission of California was that her Constitution prohibited Slavery. [During the period of these debates John C. Calhoun, Z. Taylor, President of the United States, and Mr. Elmore, United States Senator, elected to succeed Calhoun, and David P. King, Representative, all four died.] Daniel Webster was appointed Secretary of State for the United States, left the Senate, and was succeeded by the appointment of Honorable Robert C. Winthrop, by the Governor of Massachusetts.

The tedious debate on the admission of California here ended, Monday, August 12th, 1850, by a vote of the Senate on her admission, which resulted as follows, the composition of which will at once show the strong party feeling existing in the Senate: Yeas—Messrs. Baldwin and Smith, Connecticut; Bell, Tennessee; Benton, Missouri; Bradbury and Hamlin, Maine; Bright and Whitcomb, Indiana; Cass and Felch, Michigan; Chase and Ewing, Ohio; Cooper and Sturgeon, Pennsylvania; Davis, Massachusetts; Dickinson and Seward, New York; Dodge and Walker, Wisconsin; Dodge and Jones, Iowa; Douglas and Shields, Illinois; Greene, Rhode Island; Hale and Norris, New Hampshire; Houston, Texas; Miller, New Jersey; Phelps, Vermont; Spruance and Wales, Delaware; Underwood, Kentucky; Upham, Vermont; Winthrop, Massachusetts—34.

Nays—Messrs. Atchison, Missouri; Borland and Sebastian, Arkansas; Berrien and Dawson, Georgia; Foote, Mississippi; Hunter and Mason, Virginia; King, Alabama; Morton and Yulee, Florida; Pratt, South

Carolina; Rusk, Texas; Soulé, Louisiana; Turney, Tennessee—18.

But the Democracy were not satisfied with this popular expression of the Senate for her admission, and on Wednesday, August 14th, presented a *remonstrance* to the Senate, as follows:

"We, the undersigned Senators, deeply impressed with the importance of the occasion, and with a solemn sense of the responsibility under which we are acting, respectfully submit the following protest against the bill admitting California as a State into this Union, and request that it may be entered upon the Journal of the Senate. We feel that it is not enough to have resisted in debate alone a bill so fraught with mischief to the Union and the States we represent, with all the resources of argument which we possessed, but that it is also due to ourselves, the people whose interests have been intrusted to our care, and to posterity, which even in its most distant generations may feel its consequences, to leave in whatever form may be most solemn and enduring, a memorial of the opposition which we have made to this measure, and of the reasons by which we have been governed, upon the pages of a journal which the Constitution requires to be kept so long as the Senate may have an existence. We desire to place the reasons upon which we are willing to be judged by generations living, and yet to come, for our opposition to a bill whose consequences may be so durable and portentous as to make it an object of deep interest to all who may come after us.

"We have dissented from this bill because it gives the sanction of law, and thus imparts validity to the unauthorized action of a portion of the inhabitants of California, by which an odious discrimination is made against the property of fifteen slaveholding States of the Union, who are thus deprived of that position of equality which the Constitution so manifestly designs, and which constitutes the only sure and stable foundation in which this Union can repose.

"Because the right of the slaveholding States to a common and equal enjoyment of the territory of the Union has been defeated by a system of measures which, without the authority of precedent, of law, or of the Constitution, are manifestly con-

trived for that purpose, and which Congress must sanction and adopt, should this bill become a law.

"Because to vote for a bill passed under such circumstances would be to agree to a principle which may exclude forever hereafter, as it does now, the States which we represent from all enjoyment of the common territory of the Union—a principle which destroys the equal rights of their constituents, the equality of their States in the Confederacy, the equal dignity of those whom they represent, as men and as citizens in the eye of the law, and their equal title to the protection of the Government and the Constitution.

"Because all the propositions have been rejected which have been made to obtain either a recognition of the rights of the slaveholding States to a common enjoyment of all the territory of the United States, or to a fair division of that territory between the slaveholding and non-slaveholding States of the Union —every effort having failed which has been made to obtain a fair division of the territory proposed to be brought in as the State of California.

"But, lastly, we dissent from this bill, and solemnly protest against its passage, because in sanctioning measures so contrary to former precedent, to obvious policy, to the spirit and intent of the Constitution of the United States, for the purpose of excluding the slaveholding States from the territory thus to be erected into a State, this Government in effect declares that the exclusion of Slavery from the territory of the United States is an object so high and important as to justify a disregard not only of all the principles of sound policy, but also of the Constitution itself. Against this conclusion we must now and forever protest, as it is destructive of the safety and liberties of those whose rights have been committed to our care, fatal to the peace and *equality* of the States which we represent, and must lead, if persisted in, to the *dissolution* of that Confederacy in which the slaveholding States have never sought more than *equality*, and in which they will not be content to remain with less.

"J. M. Mason, R. M. T. Hunter, Virginia; A. P. Butler, R. B. Barnwell, South Carolina; H. L. Turney, Tennessee; Pierre Soulé, Louisiana; Jefferson Davis, Mississippi; David R. Atchison, Missouri; Jackson Morton, D. L. Yulee, Florida.

"Senate Chamber, August 13th, 1850."

On September 9th, 1850, the Clerk of the House of Representatives announced to the Senate the passage of a bill by the House of Representatives for the admission of California, and she was admitted into the family of States.

## CHAPTER XI.

RIGHTS OF THE PEOPLE TO TAKE SLAVES INTO THE TERRITORIES.—INTEREST AND COMPROMISE.—UNITED STATES AND STATE COURTS DECISIONS ON.—STATUS OF COLORED PERSONS.—SLAVES REAL ESTATE.—RUNAWAY NEGROES MAY BE TRACKED WITH DOGS, IF DONE WITH CIRCUMSPECTION.

THE right of citizens of the Slave States to carry their slaves into the Free States as body servants or domestics, and the *time* that they should remain in such Free States with such slaves, and whether such a delay prolonged beyond the *reasonable* time for the purposes of a *traveling* or *pleasure* excursion, or the recuperation of ill health, was long an open question. *How long* could a slave be held by his master in a Free State under the Constitution and laws of States prohibiting Slavery within their limits, was equally undecided. The broad declaration upon which is founded American Liberty, that all men are created equal, certainly has its forcible significance in every State and Territory of the Union. *Freedom* is the *normal* condition of *all men*. Slavery owes its origin to a *perversion* of a law of nature, and is controlled in its operation and extent by the *local* laws of the Nations, States or Districts in which it exists. At the time of the adoption of the Constitution of the United States, Slavery existed in all the Colonies except Massachusetts, where it had been abolished shortly before that period by a Bill of Rights to the new Constitution of the State.

It will be conceded, no doubt, that once a State having *abolished* Slavery within her limits, or coming into the Union with a *prohibition* of Slavery, that no

power exists in the General Government to impose Slavery upon the inhabitants of such State, and that no power exists in a State to extend beyond its own limits either Freedom or Slavery. As well might the law makers of a State attempt to extend their jurisdiction in this matter to a foreign nation as to any territory outside of its own limits and within an adjoining State of the same Confederacy, or the public domain of the General Government.

The acquisition of territory by a nation is either by original discovery and possession in the name of the sovereign, by conquest, by cession, or by purchase concluded by the Executive or Legislative Departments of a nation. These are the modes of acquisition by those nations having a Government consolidated or made up of confederated States; and territory might undoubtedly have been acquired in either or all of these modes by any of the original States of the Union before the adoption of the Articles of Confederation, or before the adoption of the Constitution of the United States, so long as they acted in a *national* capacity, and maintained even a *de facto* Government, but not so when they surrendered their *national* character to the United States.

Man, neither by the laws of nature, the common law, nor the law of nations, is regarded as a chattel, but the reverse is the governing rule, and man is in all conditions, and in all lands, supposed to be free—to go and return, and do whatsoever to him seemeth best, and to control his liberty. Some *law* must be shown, enacted by constitutional authority, depriving him of his liberty. Man not being the subject of *barter* by the common law, and those States, or parts of nations, or nations themselves, holding slaves, cannot have pro-

cess for the return and delivery of a human being upon the plea of *ownership*, outside of their own territory, because the common law and the law of nature knows no such condition of the human race, and only for the commission of high crimes, before or after conviction, do the laws and customs of nations return the body of a human creature to the Supreme Executive of a State or Nation, and *not* to the possession or control of an individual. The philosophy of common sense, and the philosophy of good government, teach the equity of this.

The existence of Slavery in the Colonies of America prior to the adoption of the Constitution of the United States, might well excuse those holding that species of "property" in legislating for its security in the several States. The *avarice* of man might plead a justification; but it is most difficult to conceive upon what theory or hypothesis an argument can rest to justify the General Government in upholding it. The legislative branch of a Republic in extending her patronage and support to a traffic so odious and so at variance with the meaning, scope, and genius of a Republican form of government, would seem to be a palpable violation of the fundamental principles upon which the Government was established.

The fierce debates in the Convention that framed the Constitution, and the contentions upon the subject of Louisiana, Texas, Missouri, and California, the Compromise and Fugitive Slave bills, all of which the reader has found in preceding chapters, and which need not be here referred to again, have clearly shown that *interest* upon the part of those holding these "chattels" controlled the legislation of the nation, and that the great balance wheel of Federal power and Federal pat-

ronage was kept in motion by "men held to service or labor."

The acquisition of the vast public domain since the formation of the Federal Union, was the act of the General Government, and not the act of the States. But as the same persons legislating in the Slave States —or at least the people of those States—were called into the National Councils to enact laws, the national legislation at each period of the Government partook of the feeling and *interest* of that section. It does not, therefore, appear strange that the hands of the national legislators could not be kept clean of the stain of converting the United States Government into a propagator of Slavery, and her Courts of Justice and Marshals into dealers in and catchers of men.

Article IV, Section 2, of the Federal Constitution says: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered upon claim of the party to whom such service or labor may be due."

This being the fundamental law of the land, it cannot be disputed as to the *limits* to which it was confined by its own language—"held to service or labor in one State, and escaping into another." It will be seen that this clause of the Constitution refers in *direct terms* to the *States*, and that its operation and execution must be confined where its phraseology places it. This clause, as has already been seen, was inserted in the Constitution under the roll of the Juggernaut wheel of the slave power; but it left open two issues of vital interest. First, the authority by which the law should be executed, if disobeyed; and secondly, its silence

upon its force or effect in the Territories. These two subjects, more than any others, had absorbed the public attention—disturbed national and State legislation—and, in 1861, culminated in the greatest civil war of any age.

With the growth and development of the nation came the growth and spread of Slavery, and the acquisition of territory; and with the development of these came the necessity for the application of constitutional principles—not only as to the return of "persons held to service or labor," but to the powers of the General Government in the matter of the admission of new States into the Union, and as to whether the incoming States should be left to their own free will in framing their Constitutions, or whether or not the Legislative Department of the National Government should prescribe what *kind* of a Constitution they should come in with—whether or not it should prohibit Slavery, or determine what kind of government was Republican in form. Upon these subjects, as they developed themselves at each stage of the Nation's progress, they were met by interest, and compromises were entered into to meet the demands of conflicting parties. As the States of the North abolished Slavery, they, or some of them, in turn protested against the process of the judicial authority coming from the Slave States into the Free States to capture and return slaves, and the power of the Federal Government had to be invoked to carry the letter of the Constitution into execution. So we find the National Congress passing laws for the rendition of the slave to his master in the States and Territories. But as the Constitution was invoked, its letter and spirit must be interpreted, and the friends of Freedom asserted boldly that it was

silent upon the subject of capturing slaves in the *Territories.*

Mixed with this subject was the question of whether or no Congress could prescribe the conditions of the Constitutions of new States, organized out of the territory, and seeking admission into the Union. The statesmen of the South contended that Congress had no constitutional power to dictate terms, either for or against Slavery, whilst the statesmen from the North held that the National Legislature had the *sole power* of passing all necessary laws for the Territories, and that the Constitution imposed upon it the power and the duty to "guarantee to every State a Republican form of government."

The National Legislature, in obedience to the influence of sectional feeling, passed the acts known as the "Fugitive Slave Laws," [the reader has already been referred to these acts,] and the judicial branch of the Government had sustained them by elaborate opinions upon their constitutionality.

The reader will observe my declared opinion, that Slavery is purely a local affair, confined to such geographical limits as may be included within the State or Nation which claims to hold men in Slavery by written laws or long custom, and as the Constitution was silent upon the subject of Slavery in the Territories, it must be concluded that as no law of the National Government placed it there, that the Territories must be free; and so it would follow that if slaves in like manner should be carried from one State of the Union into a Free State, and there employed or held, they would also become free, because the State prohibitions generally declare that *Slavery shall not be nor exist within their limits.*

The language of the Constitution relating to persons held to service being returned, was that if such persons escape they shall be returned to their masters; and even this *escape* does not apply to the *Territories* but to the *States*. It follows, then, that if a slave entered a Free State by any other means than an *escape* from his State or master, that he would not be subject to arrest under this clause of the Constitution. If he enter the Free State or the Free Territory by *accident* or *mistake*, or by the *consent* of the master, then he would become free; or, if whilst an escaping slave, being in a Free State, bring forth offspring, then such offspring would be free. It may not be here uninteresting to give a few of the judicial opinions, State and National, upon these and other points. The reader will bear in mind that it is impossible to conceal the fact that many of the decisions are colored with influences or interests financial or political.

"United States Constitution, Article IV, Secs. 2 and 3 are confined to persons held to service or labor escaping from one State to another, and do not extend to the case of a person brought *voluntarily* by his master into another State or Territory. Livermore *v.* People, 26 Barber (New York), page 270."

"A contract to set a slave free on a certain day, on certain conditions, whether made with the vendor on sale and purchase of the slave, or with the slave himself, is an executory contract for emancipation, and a specific performance of it cannot be enforced by the slave in a Court of Law or Equity. Jackson *v.* Bobb, 18 (Arkansas), page 399."

"It is lawful to track runaway negroes with dogs, provided it be done with a due degree of caution and circumspection. Moran *v.* Davis, 18 (Georgia), page 722."

"A conveyance of land and slaves in trust, to allow the slaves to occupy the land and receive the profits thereof, and of their labor, is void. Smith *v.* Betty, 11 Gratt (Virginia), page 752."

"A bequest of freedom to a slave is void, in consequence of

his incapacity to take under the will. Roberson *v.* Roberson, 21 Alabama, page 237."

"In a Slave State every colored man is supposed to be a slave. Miller *v.* McQuerry, 5 McLean, page 469."

It will be seen by the decision of the Supreme Court in the Arkansas case above cited, that a contract with a slave for emancipation is void; and by the decision of the Georgia Supreme Court in Moran *v.* Davis, that it is lawful to track runaway negroes with dogs. The reader will observe how careful the learned Judges of the Supreme Court of Georgia were in not putting in the word slave, or person held to service or labor, but negroes, which includes in this sense any persons having any negro blood in them, or whose *mother* was a slave, be she black or white; or be the father of the negro black or white; nor does the learned Court say whether the "moderation and circumspection" shall be observed by the master or by the dogs.

In the Alabama case it will be seen that a bequest of freedom by will to a slave was void, because a slave could not take by device. And in the case of Miller *v.* McQuerry, above, it will be seen that the United States Circuit Court decided that in "Slave States every colored man is presumed to be a slave." It is most difficult to reconcile this very singular opinion either with the principles of law or common sense. Neither the law of nations, the civil nor common law, nor the laws of nature make any such violent presumption. Congress certainly has not attempted to legislate this presumption into a law, and a State Legislature, in enacting such a rule, would certainly little expect that a species of legislation so much at variance with the acknowledged laws of civilized nations and the laws of nature, could be supported even by State

judicial tribunals, much less by the Courts of a great nation, which declare by the fundamental law *that all men are created equal.*

In viewing a decision so sweeping in its effects, it would be well to ascertain whether the learned Judge did or did not mean it to be understood that in a State or country where Slavery existed in a *reverse* form from that in which it did in the United States, (*i. e.* where the slave is the white man, and his master the black or colored man,) his decision would be applicable; or in a case where the master was colored and the slave also colored, as is the case in parts of Asia, and was the case in many of the Slave States of America. If this be good *law*, then in the State or country where the white man was the slave, and his master the colored man, the relation would be at once *reversed*, and the *master* would be put upon his proofs that *he* was not the slave; and where the master and slave were *both* colored, and Slavery existing there, then, *prima facie*, the *colored* man would be held to be a slave; and as this would embrace both *master* and *slave*, the whole community would be slaves, even if there was not a man who was *not* colored in the whole Nation. Query: Who would be the *master?*

According to this decision the whole free colored population might have been arrested, imprisoned, and tried as being slaves, and it would have been purely competent to hold them as slaves, unless they had brought clear proofs that they *were not slaves.*

Nor does the Court say that this shall apply to negroes, blacks, Africans, or persons of African descent; but *colored.* Which color did the Court mean? Mulatto, octoroon, black, brown, copper, yellow, or red? There are as many shades of colored men as

there are of colors between black and white, and the colored are twenty to one of the whites the world over. Did the Court mean to say that if one Chinaman held another in Slavery in his own country, that because Slavery *existed* there, that all *colored* men would be presumed to be slaves? This is what the decision does say. Such twaddle, emanating from the Courts of the enlightened Republic of America, is nauseating.

"In Alabama, the presumption arising from color, indicating African descent, is that the person is a slave. Becton *v.* Furgeson, 22 Alabama, page 599."

What was written respecting the decision of the United States Circuit Court will apply to this decision.

"The Act of 1806, Section 32, called the Black Code, justifies the firing upon runaway slaves who are armed, or who, when pursued, refuse to surrender; avoiding, however, if possible, the killing of them. Laparouse *v.* Rice, 13 Louisiana, page 567."

In view of this decision by the highest judicial tribunal, and the case reported in 5th McLean, above alluded to, it is plain to be seen that the position of the slave in Louisiana was anything but pleasant; and as all *colored* men were, in consequence of their color, supposed to be slaves, and if one of this class of persons, although free, should be pursued anywhere, and ordered to stand, and if he refused to do so, he could be fired upon, "avoiding, however, if possible the killing of him," will show the imminent jeopardy of the colored inhabitants of the Slave States, and the absolute control of the master.

A testator made this provision in his will:

"The negroes loaned my wife, at her death, I wish to have their choice of being emancipated or sold publicly; if they prefer being emancipated, it is my wish that they be hired out until

a sufficient sum is raised to pay their expenses to a land where they can enjoy freedom.

"Held, that as the manumission of the slaves was made to depend upon their own election, an act of which they were legally incapable, the provision was void. Bailey *v.* Poindexter, 14 Gratt. (Virginia), page 132."

The *beauties* of the decision of the Supreme Court of the "Mother of Presidents," viewed in its equitable bearings, will be apparent and needs no comment.

"A bequest of slaves, with a provision by which they may be supported without working like other slaves, is a violation of the policy of the State, and void. Lee *v.* Brown, 3 James' Equity (North Carolina), page 141."

"A bequest of two hundred acres of land and three thousand dollars, with a family of slaves, who were valuable, with a provision that on the death or insolvency of the legatee one of the slaves should select an owner, who was also to take the land and money, with an injunction that the slaves should be treated kindly and humanely, is manifestly for the ease and benefit of the slaves, and against public policy." Same authority as last above.

Persons who feel disposed to be treated "kindly and humanely," and who like "ease," particularly if they are "colored," will, no doubt, be deeply interested in *studying* the two last above decisions. It was scarcely necessary for the highest judicial tribunal of the slave-breeding State of North C. to have asserted that anything tending to the ease and comfort of the slave was against public policy, and void, as such has always been Southern *Democratic* policy, as the blood, tears, and unrequited toil of two and a half centuries of the poor slave will abundantly testify. How long Democratic speakers and the Democratic press will advocate this doctrine is uncertain.

The subject of this decision would form an *interesting*

basis for a Democratic speech to a Democratic Freedman's Club, as it might enlighten them upon the love of their former masters toward them.

"In a suit for freedom, by Ann, claimed as a slave, proof that her grandmother was a mulatto and a slave, and that her mother was a quadroon and slave, and the father a white man, was held to countervail (outweigh) the testimony of two physicians, who had examined the petitioner; that she presented all the *indica* of being of the white race, but that one-eighth of African blood might not, but would in general show itself, and that the mixed child was more likely to resemble the father than the mother. Gaines *v.* Ann, 17 Texas, page 211."

Microscopic shades of complexion are not now necessary to determine the freedom of persons in Texas; nor are opinions of learned physicians, that the person presents all the "*indica*" of being of the white race, of any importance within the limits of the American Republic.

"If one claimed as a slave, but suing for his freedom, manifestly belongs to the negro race, he is presumed to be a slave. Daniel *v.* Guy, 19 Arkansas, page 121."

"Where it is matter of doubt that the petitioner belongs to the negro race, evidence that the woman reputed to be his mother, and owned as such, was lawfully held in Slavery, repels any presumption that he is entitled to Freedom. Gray *v.* Stevenson, 19 Arkansas, page 580."

"A convict slave is a free man, for the purpose of giving evidence, as well as of punishment. The State *v.* Dillahant, 3 Harrington (Delaware), page 551. The State *v.* Griffin, *ib.*, page 559."

"A mulatto free man of color is a citizen of the State, and a slave is a person within the meaning of the Act of 1825. The State *v.* Edmund, 4 Dev. (North Carolina), page 340."

"A slave tried for a capital crime may be convicted on the testimony of a slave, though uncorroborated by pregnant circumstances. The State *v.* Ben, 1 Hanks (North Carolina), 434."

"Slaves in Virginia in 1777, were real estate, and descended

to the eldest son. Chiver *v.* Respass, 1 Munroe (Kentucky), page 25."

"A part owner of a slave may emancipate to the extent of his interest; it is effectual *pro tanto*. Thompson *v.* Thompson, 4 B. Munroe (Kentucky.)"

"Slaves are competent witnesses only for or against negroes or mulattoes. Turney *v.* Knox, 7 Munroe, 88 (Kentucky)."

In the case of the State *v.* Dillahant, and the case of the State *v.* Griffin, the Supreme Court of Delaware held, that a *convicted* slave is a free man, and this is the only instance in which Courts of slaveholding States have admitted, that by any possibility a slave can discharge the duties of a free man. They have said that he could not be released by the will of his owner if there was any contingency depending upon the will or assent of the slave, and he has been refused his freedom on these grounds. But it must be observed that the Court of Delaware acknowledges his freedom to extend only to two things; that he may testify against a *negro*, and for the purpose of being hanged himself. It must have been consoling to the slave to know that he was free for the purpose of convicting his fellow slaves; and that whilst he stood on the scaffold, and the hangman's axe was descending to cut the rope, he himself was free.

In the case of the State *v.* Edmund, it will be seen that the Supreme Court of North Carolina decided, that by the Statute of that State of 1825, "a mulatto free man of color is a *citizen* of the State, and a slave is a *person*." No doubt both the "citizen" and the "person" will appreciate the distinction in this decision, and also the addition to it, in the Thirteenth Amendment to the Constitution of the United States, which says, that in the United States "*all men are free*."

In the case of Chiver *v.* Respass, above, it will

be seen that in Virginia in 1777, slaves were considered real estate. From this condition may have arisen the popular American term, "mud-sill," to those employed in labor. It is reasonable also to suppose that the modern name of "contraband," by which this species of "property" was designated, was owing to the improved facilities of locomotion, induced by the armies of the North, "marching through Georgia," and that the negro is now a "free-soiler."

The case of Thompson *v.* Thompson, above, is one involving a most important physiological subject, upon which the learned Court fails to shed the necessary light. The Court held that a part owner of a slave might emancipate to the extent of his interest. We can understand the Court in making this *decision;* but the point in which the slave would be interested, would be the *application* of the rule; for in a case where one party was the owner of a half interest in a slave—a third, or any other proportion—and he should emancipate *pro tanto* (to the extent of his interest), and the party owning the balance of the negro should order *his* interest to labor, by what *process* could the Court guarantee to the subject of its decision the *status* of *part free and part slave?* Would an injunction to restrain the physical motion of a certain leg or arm, and the tying of *it* up justify the decision, and satisfy the owner and the slave?

A singular feature of the enslavement of man in the American Republic is the fact, that at the beginning of the Slaveholders' Rebellion in 1861, there were 5,718 Americans (colored) held as slaves by the Indian tribes in the Territories west of the Arkansas. Let it be understood that in the case of these persons, the prohibition of the importation of negroes had

tended to bleach their complexions. Many of them were almost pure-blooded Americans; they varied from the wooly Congo to the rosy-cheeked Saxon. Of these, 2,297 were held by 385 Choctaw masters; 2,504 by 384 Cherokee masters; 1,651 by 267 Creek masters, and 917 by 118 Chickasaw masters.

The number of Indian slave-owners were few compared with all the Indians; but in proportion to the number of owners, they held more slaves than did the white slave-owners of the South, many of them owning several hundred slaves.

## CHAPTER XII.

WILMOT PROVISO.—SLAVERY IN MEXICO.—IN THE TERRITORIES.—LAWS OF SPAIN AND MEXICO RELATING TO.—DRED SCOTT DECISION.—FUGITIVE SLAVE LAWS OF CALIFORNIA.—STATE COURT DECISIONS IN CASE OF PERKINS AND ARCHEY.

Among the many popular themes of public interest that had their origin in the Congress of the United States during the debates upon the subject of an appropriation by that body to purchase territory from Mexico, was the "Wilmot Proviso." On the 4th of August, 1846, the President informed the Senate, by special message, of his desire to negotiate for the purchase of Mexican territory.

A bill for an appropriation of two million dollars was introduced into the House of Representatives. This proposition involved the important question of how this territory should be governed as regarded Slavery. Calhoun and the whole Southern Democracy had long promulgated the doctrine that the slaveholder had as much right to take his property (the slave) into any Territory of the Union, and be protected there by Federal law and Federal officials, as the man from the Free States had to take *his* merchandise there and be protected. The Whigs at the North, and many of them at the South, held opposite opinions—that Slavery was a subject of local law, and did not by any constitutional or other law extend into the Territories acquired by the Union.

Mexico had already, by act of her Congress, abolished Slavery upon every foot of her soil, and the

United States, as a *Nation*, was not slaveholding; and the presumption that Slavery could, as a matter of course, extend to the public domain, enslaving those of African descent, who were freed by the laws of Mexico, or introducing slaves from American States upon territory declared to be free by the Mexican Government, could not be tolerated by the Whigs.

On the 4th day of August, 1846, David Wilmot, of Pennsylvania, introduced a *proviso* to the bill for the appropriation, as follows:

"*Provided*, That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty that may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither Slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."

The bill was passed in the House, and on Monday night, August 11th, was sent to the Senate, where it came up next day, the day agreed upon for Congress to adjourn. The morning, however, was passed in debate, and the clock in the House being ten minutes faster than the time of the Senate, the legislative session was closed, and the bill and appropriation laid over.

Upon the discussion of the Wilmot Proviso arose the doctrine of "*Squatter Sovereignty*," of which Stephen A. Douglas was subsequently a strong advocate. Its principal features were that the inhabitants of any of the States had an equal right to introduce their property into the Territories, and when a sufficient population existed as to entitle the Territory to become a State, then the inhabitants thereof might adopt a Constitution with or without Slavery, and frame such laws

as they thought proper, and that the Congress of the United States had no power to legislate upon the subject of Slavery in the Territories; that it was the property of the *people*, and that they *alone* could say what their *domestic institutions* should be. Upon this *popular fallacy* Douglas rode into power with the Democracy, and into the ring of the *politician*, and out of the sphere of the *statesman*.

Calmly looking over the records of the advocates of this theory, it is most difficult to surmise how they disposed of that clause of the Federal Constitution which says: "Congress shall have power to dispose of, and make all needful rules and regulations respecting the Territory or other property belonging to the United States."

I cannot see how language can be shaped to more clearly and fully vest the National Congress with full power to *legislate* upon subjects that would qualify the public domain, when possessed of sufficient population to become States in the Union, than that in the above clause.

Again, the Constitution says: "New States may be admitted by Congress into the Union;" and further, "The United States shall guarantee to every State in this Union a Republican form of government."

They "*may* be admitted"—not they *shall*. The act of their admission is a legislative act of Congress, and as there is no power to dictate nor control the legislative branch of the Federal Government in this respect, it may impose such conditions as may seem best; and until a State, making application for admission, comply with these terms, the Congress can govern them by its laws; and as the General Government, and *not* the States, must legislate upon the subject, how is the

Congress to be controlled as to the *extent* or quality of its legislation? And if Congress is of opinion that Slavery is inconsistent with a Republican form of government, may it not so declare, and refuse to admit the State until a Constitution prohibiting it is adopted? Or, if a Territory refuse to adopt such a Constitution, and thus cannot be admitted into the Union, and it remain in a territorial condition until its population is as great or greater than the whole of the States of the Union, and still maintains Slavery, and declines or refuses to adopt a Constitution Republican in form, as may be prescribed by Congress, is it not competent for Congress to legislate Slavery *out* of such Territory and fit it for admission? Surely this is one of the "needful rules and regulations respecting the Territory."

In further support of my statements, that Slavery was abolished in Mexico prior to the acquisition of any territory by the United States from that country, a correct translation of some of the laws upon the subject in that country are here given. The extracts are taken from the eleventh volume of the laws of Mexico, published at the City of Mexico in 1838; also from the decree of President Guerrera in 1829, page 213 of the volume above alluded to:

"Fifteenth of September, 1829. Decree of the Government in virtue of extraordinary powers.

"Abolition of Slavery in the Republic. 1. Slavery is abolished in the Republic. 2. Consequently those are free who until now have been considered slaves. 3. When the circumstances of the treasury permit it, the owners of slaves shall be indemnified in the manner prescribed by the laws."

The Congress of Mexico, in 1831, acting upon the decrees of President Guerrera, classifying and approving them, on the 15th of February, 1831, enacted:

"1st. Slavery is abolished, without any exception, in the whole Republic.

"2d. The masters of slaves manumitted by the present law, or by the decree of the 15th of September, 1829, shall be indemnified for their value."

The Constitution of Mexico of 1834, contains the following declaration:

"1. No one is a slave in the territory of the Nation; and any introduced shall be considered free, and shall be under the protection of the laws."

It seems idle to multiply evidences tending to show that Slavery was abolished in Mexico, California, Texas, and New Mexico, and that when these Territories (which belonged to Mexico) became the property of the United States they were *free* territory, as much as the territory of Canada or Nova Scotia is to-day, and that if these latter had been acquired by the United States, prior to the late war, they would have been equally open to Slavery as was any of the territory acquired from Mexico; and who can entertain the idea that Slavery could be introduced into them by emigrants were they Territories belonging to the Union.

It has already been seen that in the slaveholding States of America stringent laws were passed prohibiting emancipation, and that by will or agreement slaves could not attain liberty—the tendency, policy, and scope of the laws being opposed to emancipation. On the contrary, the laws of Spain enforced in Mexico relating to slaves, were all favorable in their tendencies towards emancipation; and special laws were enacted by which slaves could gain their freedom, even without the consent and against the will of their masters. Many of these laws, if in force in the Slave States of

America during their palmy days of miscegenation, would have added largely to the list of free *female* slaves. The following extracts will illustrate. The quotations are from the Spanish law dictionary of Escriche, under the heads, "*Esclavo*," "*Esclavitud*."

"The slave shall deserve liberty in the four following cases: 1. If he shall inform on the ravisher or forcer of a virgin woman. 2. If he discovers the maker of false money. 3. If he shall discover a military chief who abandons his post. 4. If he shall inform on the murderer of his master, or shall avenge his death, or discover treason against the King or the Kingdom. In the three first cases the King shall give the price of the slave to his master. Law 3, title 22, part 4.

"If the master publicly prostitute his slave woman, she is thereby freed, and he cannot recover her or have any right over her. Law 4, title 22, part 4."

Had this law been in force in the Slave States, Abraham Lincoln's Emancipation Proclamation would have only applied to *some* of the male slaves, and those of the females who were under the age of *maturity*.

Two events only have transpired in the United States that seem to excel in importance the "Dred Scott Decision." These are the independence of America, and the late Rebellion.

The case above alluded to was decided in the Supreme Court of the United States at the December term, 1856, Honorable Roger B. Taney, Chief Justice, and the Honorables John McLean, James W. Wayne, John Catron, Peter V. Daniel, Samuel Nelson, Robert C. Grier, Benjamin R. Curtis, and John A. Campbell, Associate Justices.

The opinion was delivered for the Court by the Honorable Roger B. Taney, Chief Justice. Mr. Justice McLean and Mr. Justice Curtis dissented, and wrote elaborate and able opinions. Some of the most inter-

esting points in the decision of the Court, and also of the dissenting opinions, are given here. For a full report of the case the reader is referred to 19 Howard, United States Supreme Court Reports, page 393. The decision and opinions occupy two hundred and thirty pages, and will repay a careful reading. The Court said:

"A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a citizen within the meaning of the Constitution of the United States.

"The only two clauses in the Constitution which point to this race, treat them as persons whom it was morally lawful to deal in as articles of property, and to hold as slaves.

"The plaintiff having admitted by his demurrer to the plea in abatement that his ancestors were imported from Africa and sold as slaves, he is not a citizen of the State of Missouri, according to the Constitution of the United States, and was not entitled to sue in that character in the Circuit Court."

It will be seen that the Court held Scott to be a slave and not a citizen, in consequence of the *status* of his *ancestors*. I apprehend that if all persons were held to this rule, many interesting changes would be made, even among "first families."

"If, therefore, the facts he states do not give him nor his family a right of freedom, the plaintiff is still a slave, and not entitled to sue as a citizen.

"Every citizen has a right to take with him into the Territory any article of property which the Constitution of the United States recognizes as property.

"The Constitution of the United States recognizes slaves as property, and pledges the Federal Government to protect it, and Congress cannot exercise any more authority over property of that description than it may constitutionally exercise over property of any other kind.

"The Act of Congress, therefore, prohibiting a citizen of the United States from taking with him his slaves when he removes to the Territory in question, to reside, is an exercise of authority

over private property which is not warranted by the Constitution; and the removal of the plaintiff by his owner to the Territory gave him no title to freedom."

The attention of the reader is called to the difference of opinion in the above decision, compared with those views already stated upon this subject; that Slavery is the subject of municipal and local law, and cannot exist in localities unless where some *specific law* or *long custom* establishes it. In support of these propositions, and in opposition to the above opinion of the learned Court, the reader's attention is called to the dissenting opinions of Justice McLean and Justice Curtis, and the Spanish laws upon the subject of Slavery in this chapter.

Justice McLean, dissenting, says:

"On the question of citizenship, it must be admitted that we have not been very fastidious. Under the late treaty with Mexico, we have made citizens of all grades, combinations, and colors. The same was done in the admission of Louisiana and Florida. No one ever doubted, and no Court ever held that the people of these Territories did not become citizens under the treaty. They have exercised all the rights of citizens, without being naturalized under the Acts of Congress. * * *

"In the course of my judicial duties, I have had occasion to consider and decide several of the above points. 1st. As to the locality of Slavery. The civil law throughout the Continent of Europe, it is believed, without an exception, is, that Slavery cannot exist only within the territory where it is established; and that if a slave escapes, or is carried beyond such territory, his master cannot reclaim him, unless by virtue of some express stipulation. (Grotius, lib. 2, chapter 15, 5, 1; lib. 10, chapter 10, 2, 1. Wicquepast's Ambassador, lib. 1, page 418. 4 Martin, 385. Case of the creole in the House of Lords, 1842. 1 Phillemore, on International Law, 316, 335.)

"There is no nation of Europe which considers itself bound to return to his master a fugitive slave, under the civil law, or the law of nations.

"In the great leading case of Prigg *v.* the State of Pennsylvania (16 Peters, 594; 14 Curtis, 421), this Court says, that by the general law of nations, no nation is bound to recognize the state of Slavery, as found within its territorial dominions. * * * * The state of Slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws. This was fully recognized in Somersett's case (Laff. Rep. 1; 2 Howell's State Trials, 79), which was decided before the American Revolution."

Lord Mansfield, in delivering the opinion of the Court of King's Bench, in the Somersett case, said:

"The state of Slavery is of such a nature that it is impossible of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time itself, from whence it was created, is erased from the memory. It is of a nature that nothing can be suffered to support it but positive law.

"Slavery is sanctioned by the laws of this State, and the right to hold slaves under our municipal regulations is unquestionable; but we view this as a right, existing by positive law of a municipal character, without foundation in the laws of nature, or the unwritten and common law." (Rankin *v.* Lydia, Court of Appeals, Kentucky; Miller, J., 2 A. R. Marshall's Rep.)

That the reader may follow me in my views that the Government of the United States was vested with full power to legislate for the Territories, and can prohibit Slavery or any other institution contrary to nature, reason, or justice, I give an extract from the opinion of Chief Justice Marshall, in the case of the Atlantic Insurance Company *v.* Carter (1 Peters, 511; 7 Curtis, 685), cited by Justice McLean, speaking in regard to the people of Florida:

"They do not, however, participate in political power; they do not share in the Government until Florida shall become a State. In the meantime, Florida continues to be a Territory of the United States, governed by virtue of that clause of the Con-

stitution which empowers Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States."

This comprehensive opinion of the learned Chief Justice Marshall ought to settle the question of the powers vested in Congress to pass all needful laws for the Territories, and as the Congress alone can be the judge of what is *needful*, their power seems almost unlimited, whilst their legislation is within the sphere of the Constitution.

Mr. Justice Curtis, dissenting from the Dred Scott decision, says:

"To determine whether any free persons descended from Africans held in Slavery were citizens of the United States under the Confederation, and consequently, at the time of the adoption of the Constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the States under the Confederation at the time of the adoption of the Constitution. Of this there can be no doubt. At the time of the ratification of the Articles of Confederation, all free native born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications, possessed the franchise of electors on equal terms with the other electors.

"The Supreme Court of North Carolina, in the case of the Slave *v.* Manuel (4 Dev. and Bat. 20), has declared the law of that State on this subject in terms which I believe to be as sound law in the other States I have enumerated, as it was in North Carolina."

"According to the laws of this State," says Judge Gaston, in delivering the opinion of the Court:

"All human beings within it who are not slaves, fall within one of two classes. Whatever distinctions may have existed in the Roman laws, between citizens and free inhabitants, they are unknown to our institutions.

"Before our Revolution, all free persons born within the dominions of the King of Great Britain, whatever their color or complexions, were native-born British subjects; those born out of his allegiance were aliens. Slavery did not exist in England, but did in the British Colonies. Slaves were not in legal parlance persons, and were then either British subjects, or not British subjects, according as they were or were not born, within the allegiance of the British King.

"Upon the Revolution no other change took place in the laws of North Carolina than were consequent on the transition from a Colony dependent on a European King, to a free and sovereign State. Slaves remained Slaves. British subjects in North Carolina became North Carolina free men. Foreigners, until made members of the State, remained aliens. Slaves manumitted here became free men, and, therefore, if born within North Carolina are citizens of North Carolina, and all free persons born within the State are born citizens of the State.

"The Constitution extended the election franchise to every free man who had arrived at the age of twenty-one, and paid a public tax; and it is a matter of universal notoriety, that under it, free persons, without regard to color, claimed and exercised the franchise until it was taken from free men of color a few years since by our amended Constitution."

The reader is respectfully referred to the dissenting opinions of Justices McLean and Curtis, in the Dred Scott case, reported in 19 Howard's United States Supreme Court Reports, page 393.

The friends of Slavery on the Pacific Coast, not content with the veto of the people upon the institution, and still inclined towards fostering an establishment of barbarism upon the free soil of California, passed an Act in the Legislature, approved April 15th, 1852, with the modest (?) title of: "*An Act respecting fugitives from labor, and slaves brought into this State prior to her admission into the Union.*" The reader having already had abundant evidence that by no possible construction, either of the laws of any State in the

Union, or by any Territorial or United States law, the laws of Mexico, Spain, or the laws of Nations, could it be shown that Slavery existed in the Territory of California before the adoption of her Constitution, and as it could not exist after the adoption of the Constitution, because of its prohibition, it may be difficult to understand where the able legislators found legal powers to establish Slavery in California in 1852, and as this monument of Democratic legislation and wisdom may be handed down to posterity, it is given here in full, as it stands upon the statute book to this day. It expired by limitation April 15th, 1855, but the Act still continues to be published in connection with the other statutes of California.

"FUGITIVES FROM LABOR."

"*An Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union. Approved April 15th*, 1852.

"SECTION 1. When a person held to labor in any State or Territory of the United States under the laws thereof, shall escape into this State, the person to whom such labor or service may be due, his agent or attorney is hereby empowered to seize or arrest such fugitive from labor, or shall have the right to obtain a warrant of arrest for such fugitive, granted by any judge, justice, or magistrate of this State, and directed to any sheriff or constable of this State; and when seized or arrested, to take him or her before any judge or justice of this State, or before any magistrate of a county, city, or town corporate, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, taken before and certified by any judge or magistrate in this State, or of any other State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent, or attorney, which shall be sufficient warrant for removing the said fugitive from labor,

to the State or Territory from which he or she fled; and for using such force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing, under this Act, shall the testimony of such alleged fugitive be admitted in evidence, and the certificate herein before mentioned shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any Court, judge, justice, or magistrate, or other person whomsoever.

"SEC. 2. Any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent, or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such fugitive from service or labor, either with or without process as aforesaid, or shall rescue or attempt to rescue such fugitive from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist such fugitive, directly or indirectly to escape from such claimant, his agent, or attorney, or other person or persons legally authorized as aforesaid, or shall harbor or conceal such fugitive so as to prevent the discovery and arrest of such fugitive, shall, for either of said offenses be subject to a fine of not less than five hundred dollars, and imprisonment not less than two months, by indictment and conviction before any Court of Sessions of this State, or before any Court having criminal jurisdiction within this State; and shall, moreover, forfeit and pay, by way of civil damages to the claimant of said fugitive, the sum of one thousand dollars for each and either of said offenses, to be recovered by action in any District Court of this State.

"SEC. 3. It shall be the duty of all sheriffs, deputy sheriffs, and constables to obey and execute all warrants and precepts issued under the provisions of this Act, when to them directed; and should any sheriff, deputy sheriff, or constable refuse to receive such warrant or other process when tendered, or to use all proper means, diligently to execute the same, he shall on conviction thereof, by indictment, be fined in the sum of not less than five hundred dollars and not more than two thousand

dollars, to the use of the county in which conviction is had, and removed from office, and shall be liable to the claimant in such damages as the claimant shall sustain by reason of said misconduct; and after the arrest of such fugitive by such sheriff, or his deputy, or constable, or whilst at any time within his custody, should such fugitive escape by the assent, neglect, or contrivance of such officer, such officer shall be liable, on his official bond to such claimant, for the full value of said fugitive in the State or Territory from whence he or she came.

"Sec. 4. Any person or persons held to labor or service in any State or Territory of the United States, by the laws of such State or Territory, and who were brought or introduced within the limits of this State, previous to the admission of this State as one of the United States of America, and who shall refuse to return to the State or Territory where he, she, or they owed such labor or service, upon the demand of the person or persons, his, or their agent, or attorney, to whom such labor or service was due, such person or persons so refusing to return shall be held and deemed fugitives from labor within the meaning of this Act; and all the remedies, rights, and provisions herein given to claimants of fugitives who escape from any other State into this State, are hereby given and conferred upon claimants of fugitives from labor, within the meaning of this section, provided the provisions of this section shall have force and effect until the 15th day of April, 1855, but not beyond that period.

"Sec. 5. Nothing contained in this Act shall be so construed as to allow the claimant of any slave to hold such slave in servitude in this State after his reclamation under the provisions of this Act, except for the purpose of removing such slave from the State."

The general features of the bill are, to say the least, interesting; full powers are guaranteed, and provision made for the arrest and return of "he or she," and "in no trial or hearing under the Act shall the testimony of such alleged fugitive be admitted in evidence." That is possession of life, liberty, and the pursuit of happiness (?). Also, persons "held to service or labor in any State *or Territory* * * *

and who were *brought* or *introduced* within the limits of this State previous to the admission of this State as one of the United States of America," and who "refuse to return," shall be delivered up. The Constitution of the United States speaks of persons "escaping," but the California legislators say, "brought or introduced." And the Supreme Court of the State, in the matter of C. Perkins and R. Perkins, reported in 2d California Reports, page 424, (the case being brought before Judge Wells, on *habeas corpus*,) Chief Justice Murray, and Justice Anderson, each delivered opinions. Hear the learned Court:

"By virtue of their police power, the States possess jurisdiction to arrest and restrain fugitive slaves, and to remove them from their borders, but not so as to *obstruct* the owner in reclaiming his slaves under the Constitution of the United States."

But the Act does not speak of fugitives.

"The owner of slaves in Mississippi brought them voluntarily into California before the adoption of the Constitution by the State. These slaves asserted their freedom, and for some months were engaged in business for themselves. Afterwards the Act of 1852 was passed. * * * * It enacts that slaves who had been voluntarily introduced into the States before the adoption of the Constitution should be deemed fugitives from labor and be returned to their masters."

The Judge quoted the clause of the United States Constitution for the rendition of persons charged "with treason, felony, or other crime." I cannot see that those persons brought into a territory where Slavery was abolished by the laws of Mexico (the country from which the territory was obtained), and where the laws of the United States did not introduce Slavery, could become slaves; much less, how the

clause applicable to persons fleeing from justice in consequence of the commission of crimes, could apply to those persons brought to California by their masters.

The Court concluding, says:

"The judgment of the Court is, that the writ be dismissed, and that the slaves Robert Perkins, Carter Perkins, and Sandy Jones, be remanded to jail, into the custody of the Sheriff of the County of San Francisco, and by the said Sheriff delivered to his master or his agent without delay *or* cost."

Justice Anderson, concurring in his written opinion, has exhibited much research and ability; but his decision is burdened with the shallow display of that love of compromise which has characterized the friends of Slavery in all sections of the Republic. A single extract from his opinion is here given:

"It would be a poor evidence of our fidelity to the spirit of *compromise* to resort to a very strained and technical construction, by a surprise and strategy to deprive our American brethren of their *property*, because they came here in good faith, trusting to the protection of the National Constitution. This would not be the favorite mode that a wise Statesman or a just and patriotic Judge should elect to allay a long, deep, and sorely irritated feeling, or to consign to oblivion the unkind remembrances of the past; but a plain and truthful administration of the laws will do this. It will mark, too, the justice of our noble State; and if any other word was needed, I would say, our wisdom. No complaint can then go up against us to our far off brethren for the want of the first, and the latter will stand out in illuminated letters, declaring the truth of the law as it is, the purity of our motives, and our devotion to our whole Union."

It will be seen how anxious the learned Judge was not to *surprise* his *distant brethren*, and how sincerely he desired to avoid a show of want of "fidelity to the spirit of compromise." The reader must judge how

"illuminated" are "the letters declaring the truth of the law" in these decisions.

The next California case of importance was the case of Ex-parte Archy, on *habeas corpus* before the Supreme Court, January term, 1858. Reported in 9th California, page 147. The statute relating to "fugitives from labor" expired by limitation on the 15th of April, 1855, as will be seen by referring to it, and this case came under the Constitution of the United States and the "*comity*" of States.

Charles A. Stovall, a citizen of Mississippi, who came across the plains in 1857, brought with him his slave, making California his home, entering into business, advertising his business as permanent, and hiring out Archy on a river boat—Archy receiving part of the wages and Stovall the balance. Archy became a resident of the State by the free will of his master—not as an escaped slave—for he came in company with his master, and was employed by him in the State for almost a year, and was unquestionably entitled to his freedom.

The decision of Justice Burnett is neither dignified with a pretension to impartial research nor legal knowledge; and judging by his own language, he decided the case upon the score of *policy*. He says:

> "This is the first case, and under these circumstances we are not disposed to rigidly enforce the rule for the first time; but in reference to all future cases it is our purpose to enforce the rules laid down strictly, according to their true intent and spirit. It is therefore ordered that Archy be forthwith released from the custody of the Chief of Police and given into the custody of the petitioner, Charles A. Stovall."

As this was the "first case," the learned Judge would consign Archy back to Slavery, but in the "fu-

ture" he would *do better* and "*enforce the rules laid down, strictly.*" These rules were, that where a person took his slaves into a Free State and held them there until they gained a residence, he should hold that they were free. See Chief Justice Terry's concurring opinion in confirmation of this. He says:

"I concur in the judgment and in the principles announced in the opinion of my associate, while I do not entirely agree with his conclusions. From the facts of the case, I think the delay of the petitioner was unavoidable, and that the fact of his engaging in labor in order to support himself during his necessary detention, did not divest his rights under the law of comity as laid down in the opinion."

The learned Chief Justice believed, because he (Stovall) had to keep Archy at labor to support him (Stovall), that he did not *legally* lose any rights to the possession of his slave; and besides, the law of *comity* sustained his return to his owner.

The able and eloquent appeals of the learned Joseph W. Winans, of counsel for Archy, were dispelled by the logic of James H. Hardy, counsel for Stovall. In his argument he said:

"But I cannot consent to stultify the members of the Convention who framed, or my fellow citizens who ratified the Constitution, by the indulgence of the thought that the section in view owed its place in the Constitution to so blind an infatuation as sympathy for a few hundred negro slaves. * * * * Slavery derives its force and dignity from the same principles of right and reason, the same views of the nature and constitution of man, and the same sanction of *Divine revelation* as those from which the science of morality is deduced. Its effect is the moral and physical improvement of the slave himself."

# CHAPTER XIII.

REPUBLICAN PARTY.—ITS FIRST ORGANIZATION.—DEMOCRATIC PARTY 1840 TO 1861.—ABOLITIONISTS.—JAMES G. BIRNEY ABOLITION CANDIDATE.—SUCCESS OF THE PARTY.—PRESIDENTIAL ELECTIONS OF 1840, 1844, 1848, 1852, AND 1856.—NOMINATION OF HARRISON, SCOTT AND POLK.—WHIGS NOMINATE CLAY.—BIRNEY RE-NOMINATED.—SETTLEMENT OF THE OREGON CLAIMS.—TREATY RESPECTING OREGON.—THOMAS H. BENTON'S VIEWS ON THE OREGON BOUNDARY.—GEN. TAYLOR ELECTED.—"HUNKERS" AND "BARNBURNERS."—LEWIS CASS NOMINATED.—FRANKLIN PIERCE NOMINATED.—ELECTION OF PIERCE.—NOMINATION OF BUCHANAN AND FREMONT.—BUCHANAN'S CABINET.—FLOYD MOVES ARMS SOUTH.—HIS RESIGNATION.—SPEECHES OF SOUTHERN LEADERS.—SOUTHERN JOURNALS.—SLAVERY IS DIVINE.—WOULD "EXTEND IT EVEN TO YANKEES."

Of all the political organizations in America, none has had so hard a struggle for national existence as had the party known as the Republican Union party of to-day; nor has any political party in any country or age achieved so much as has this party for the advancement of human liberty and the elevation upon a common platform of the religious and civil equality of all men before the law.

The first appearance of the party under its present name, as a national organization, was in the year 1831; but this was not the first appearance of the *spirit* of that party, for the impulses that animated and inspired the leaders of this progressive band had first taken hold of American affairs when the Pilgrims planted their feet on Plymouth rock, and had followed the conquering hosts of New England throughout the revolutionary struggle to a glorious conquest, and again perched upon their banners in the formation of civil government, wherein they established for themselves and their children that political and religious freedom

which has placed America far in advance of all the nations of the earth.

The different political parties that had from time to time appeared before the people, had at this period resolved themselves into the two great national parties of Whigs and Democrats. The Democratic party at this time was in the zenith of its glory. It had stood firm to the doctrines of its founders. They were inspired with the spirit of those men, who in the Convention that framed the National Constitution overpowered Washington, Franklin, and others in their efforts to extirpate human Slavery, and had in opposition to their will, fastened upon the nation the odium of property in man, and the unjust representation of the South in the National Congress based upon negro influence. Their rule in State and National legislation was almost a continuous and unlimited chain of wrongs and usurpations, arrogating to themselves all places of profit and interest; indeed, they had completely turned the whole country into a kind of Southern hospital for the comfort and support of the slave-breeder.

At this time the Democracy had nominated for the Presidency, by their Convention at Baltimore, on May 5th, 1840, Martin Van Buren; but they were defeated in the election. The Whig party, the only other organized National party at this time, had met at Harrisburg on the 4th of December, 1839, and nominated William H. Harrison, over Henry Clay and Winfield Scott, for the Presidency, and John Tyler for the Vice-Presidency, both of whom were elected. Harrison died just one month after his inauguration, and was succeeded by John Tyler, who was elected Vice-President with him.

At this period a third party had developed itself. Its members were composed of the progressive wing of the Whig party, and those who had cast their votes for years without any real tie to any party. They were few in numbers, but they were a *resolute band*. They came from all quarters of the Republic. Their ranks could boast not only of patriotism and love of freedom, but also of possessing more refinement, education, and sobriety than ever characterized a political party since the formation of civil government. Many of its members were men of years, who had received their convictions of the equality of men before the law from the teachings of patriotic ancestors, who had raised their voices against the sin of the Democratic institution of Slavery as early as the year 1621.

They were calm and philosophical observers of the progressive spirit of Freedom in the new world—they were the sentinels upon the outposts of Liberty, who were to sound the first notes that called up from the doomed night of Democratic barbarism into the pure light of Republican liberty, the bondmen of America —they were the *medium* between God and man, to break the cruel fetters of barbarism and touch the magic spark that should light up in the breast of the slave that fire of Liberty and Hope implanted by the Deity, and which when once illuminated by the light of Freedom and intelligence, never can be dimmed by the hand of man.

They were called *Abolitionists*, the very name of which, in those times, was odious, and consigned its bearer to insult, and often to physical outrage by the Democrats. Indeed, in many parts of the country, and particularly at the South, a true Democrat hunted with savage ferocity, akin to the African tiger on the scent of a Hot-

tentot, an *Abolitionist*, and considered him his prey; and if found within the Slave States, would serve as a manikin upon which to practice with his bowie-knife, or bedeck with tar and feathers, or under Southern statutes, consign to a prison or the gallows. Their treatment at the North, in many instances, had been little better. For years no meetings of the party could be held; violent attacks from Democratic ruffians drove them from every point. Laws were passed at the South denying the use of the United States mails to any books, papers, or any other matter of an abolition tendency.

An Anti-Slavery meeting was held at Warsaw, in Western New York, in November, 1839, at which the subject of organizing into a national political party, and placing a candidate in the field for the Presidency, was discussed. Here was the first practical move toward the organization of the National Union Republican party.

The National Union Republican party which crushed out Slavery, subdued the fiery temper and brutal passions of the dealers in men, lifted the American Republic from the slough of despond into which it was cast by Democratic infidelity, and made her the freest and most powerful of nations on the earth.

The Convention nominated for the Presidency, James G. Birney, of New York, formerly of Alabama, and for the Vice-Presidency, Francis J. Lemoyne, of Pennsylvania. The new party came before the public as a mere experiment; for, of course, they could not hope to carry the election, but they achieved a victory, the rich fruits of which will be gathered by the generations of men, so long as human freedom finds an advocate. They forged the thunderbolt that rent the

black cloud which obscured the light of freedom in the Southern sky; they directed the hand that on the 1st day of January, 1863, wrote the proclamation that made America free, and sounded the bugle notes which led the conquering armies of 1864-'65 to a triumphal victory; they blew the trumpet blast that called the doctrines of peaceable secession and "Southern rights" to that sleep that knows no waking.

The *Abolition* party, as it was called, retired from the election contest of 1840 with a vote of 7,000 for their candidates. The Democrats were defeated by the Whigs, who elected Harrison. Tyler, who succeeded Harrison, soon abandoned the principles upon which he was elected, and found himself in close league with the interests of the leading slaveholders of the South.

At no period of the nation was the contest between political parties so great as in the years from this first Republican (abolition) national organization to the election of Mr. Lincoln, their first President, in 1860. The Secession Laws of South Carolina of 1832, and the cruel codes passed by the South against the Abolitionists, aroused the sympathies of a large portion of the people of the North in favor of the new party. The strife between North and South was now bitter and well defined. State elections brought to the National Capital representatives imbued with the spirit of the Republican party, whose philosophy and arguments in favor of human liberty, coming in contact with the barbarous instincts and debasing practices of the representatives of the slave power, converted the halls of national legislation into a battle field between Liberty and Slavery.

Within this period were the agitating questions of the annexation of Texas, and in 1850 the admission

of California, "Squatter Sovereignty," Kansas and Nebraska difficulties, under all of which agitations the new Republican party grew into strength and influence. Soon they began to absorb the advance lines of the Whig party, and to gain victories at State elections.

From the year 1840 up to 1844, dissensions were creeping into the Democratic ranks; and as the Presidential election of 1844 drew nigh, the breach began to widen. The annexation of Texas to enlarge the field of slave labor, was an all-absorbing subject. Martin Van Buren had been their choice for the Presidency until within a few months before the election. The Democratic Convention which met May 29th, 1844, found it difficult to nominate Van Buren, and the delegates of Virginia and New York abandoning him, the scale was turned in favor of James K. Polk, who received the nomination, but left an ugly gap in the Democratic ranks.

The Whig National Convention assembled at Baltimore on May 1st, 1844. Henry Clay was declared the unanimous choice of the Convention for the Presidency. The disaffection caused by the rejection of Van Buren by the Democratic Convention, and the feeling amongst many of the Whig leaders that Clay was leaning too strong toward slave interests, afforded many of them an opportunity to affiliate with the new party, the Republicans, who now held the *balance of power*. Mr. Clay's Whig friends felt keenly the loss of their votes; for with the abolition vote added to the Whig vote, the ambition of Clay's life would have been consummated, and Polk would have been defeated. But the new Republican party were not to be *bought* nor swerved from their purpose. They had held their National Conven-

tion, and came the second time before the public with their tried friend Mr. Birney, for the Presidency. This time the Democrats were successful; Polk was elected President; Clay was defeated, so was Birney; but Birney and his party had gained on both parties. The 7,000 votes of four years before were now swelled to 62,140, an increase of almost tenfold in four years. *Abolitionism* was beginning to be respectable, and Democratic hate and opposition to it to increase. The wheels of Polk's administration were put in motion on March 4th, 1845, with James Buchanan as Secretary of State. The administration was highly favorable to "compromise" and domestic Slavery.

The new administration had upon its hands, besides local issues, two important foreign affairs—the dispute with Great Britain respecting the claims of title to Oregon, and the Mexican question, as to the boundary of Texas, out of which grew the war with Mexico, which was commenced April 25th, 1846. Polk was inaugurated President only a few days before–March 4th, 1846.

The Democrats had gained temporary prestige by Polk's administration, and the prosecution of the Mexican war; but on the question of enforcing the claims of the United States to the Oregon Territory, including all that country between the parallels of 42 degrees, and 54 degrees and 40 minutes north latitude, they weakened; the region was not suitable to slave labor and "Southern interests," so Calhoun, Rhett and other Democratic leaders, became luke-warm, and finally opposed a vigorous prosecution of the claims of the United States to Oregon, whilst Mr. Adams, of Massachusetts, the leader of the Whig party, together with other prominent Whigs, proclaimed for immediate

action, as did also Mr. Giddings, of Ohio, the leader of the Abolition party. This reaction and cooling down of the fighting spirit of the Democrats as they approached the frigid zone, wore off a little of the Mexican tinsel, and placed the Whig and Abolition parties upon a healthier footing in the estimation of the party of freedom, who now advocated the issuing of a notice by the Executive to the British Government, that steps be taken to abrogate the Convention of 1827. A declaration of this nature would decide one of two things—the peaceable possession of Oregon by the Americans as claimed, or a war with England. On the vote on this proposition, it passed by 142 to 46 against it; all those voting against it being Democrats. So now the Whigs and Abolitionists were in harmony for Oregon, while the leaders of the Democracy opposed it. Polk, on the 27th of April, 1846, approved the resolutions, authorizing the notice to England, which notice was in due time handed to Queen Victoria in person. The great suspense of the country, and the dread of war entertained by the Democracy, was soon dispelled. A conference between Mr. Parkenham on behalf of her Britannic Majesty, and James Buchanan on behalf of the United States, concluded a treaty on the 15th of June, 1846, confirming the title to Oregon, as now possessed by the United States, making the division line "the 49th degree of latitude, from the Stony Mountains west to the middle of the channel which separates Vancouver Island from the Continent, thence southerly through the middle of the channel and to Fuca Straits, to the Pacific Ocean." The treaty was sent to England for the ratification of that Government, which was done, and ratifications exchanged, which were proclaimed by the President, August 5th, 1846.

Thomas H. Benton, one of America's clearest headed Statesmen, at this period in the United States Senate, had not gone to the extreme of '54, as had many leading spirits of all parties; and to his able speech delivered upon this subject, in which he had contended for 49 as the north boundary, more than to any other one cause, may be attributed the peaceful adjustment of what threatened a long and disastrous war.

The following extract from a speech made by him in the United States Senate, January 12th, 1843, will at once show the origin of our title to this vast Pacific Territory, forming Oregon, Washington, and Idaho Territories:

"Mr. Benton said he would not restate the American title to that country; it had been well done by others who had preceded him in debate. He would only give a little more development to two points—the treaties of 1803 and 1819; the former with France, by which we acquired Louisiana, the latter with Spain, by which we acquired all her rights on the northwest coast of America, north of 42 degrees. By the first of these treaties, we became a party to the tenth Article of the Treaty of Utrecht between France and England; the treaty of peace of 1714, which terminated the wars of Queen Anne and Louis XIV, and settled all their differences of every kind in Europe and America, and undertook to prevent the recurrence of future differences between them. The tenth Article of this treaty applied to their settlements and territories in North America, and directed Commissioners to be appointed to mark and define their possessions. These Commissioners did their work. They drew a line from ocean to ocean to separate the French and British dominions, and to prevent further encroachments and collisions. This line began on the coast of Labrador, and followed a course slightly southwest to the centre of North America, leaving the British settlements of Hudson Bay to the north, and the French Canadian possessions to the south. This line took for a landmark the Lake of the Woods, which was then believed to be due east

from the head of the Mississippi, and from that point took the *forty-ninth parallel of latitude indefinitely to the west.* The language is '*indefinitely;*' and this established the northern boundary of Louisiana, and erected a wall, beyond which future French settlements could not cross to the North, nor British to the South.

"As purchasers of Louisiana, the treaty of 1803 *made us a party to the tenth Article of the Treaty of Utrecht*, and made the *forty-ninth parallel the same to us and the British which it had been to the French and the British;* it became a wall which neither party could pass, so far as it depended upon that line."

The settlement of the Oregon question and the shameful backing down of the Democracy in the matter began to lead the Whig and Abolition parties into favor.

The Presidential campaign of 1848 was opened early in 1847. The name of General Taylor was prominent among Democrats and Whigs; his war record was of influence. Many of the latter party felt loth to abandon Henry Clay, but he had been so often before the people in the Presidential line that they began to think of looking for fresh material. They did not like Taylor; he was a slaveholder, and doubtless would favor the extension of the institution into the Territories, to all of which the Whigs were opposed. Taylor was a Democrat, and when interrogated by Whigs and Democrats as to his position in relation to the subjects dividing these parties, he declined to define his position, or state his views. He had been for the past forty years in the active service of the Army; had not thought of politics or party issues, indeed, had not cast a vote in all his life; all he could say was, that if elected, he would serve the people honestly and faithfully. He also declared, that he would not receive a nomination from any *party*—Demo-

cratic, Whig, or National; but if nominated and elected, it must be by the *people*, regardless of parties; still, if nominated by the Whig party, he should not decline the nomination, provided he was left free of all pledges—if pledges were demanded, he should decline the nomination. Whigs objected to this, and declared that no man was fit to represent that party who was ashamed or afraid to proclaim for its doctrines.

The Democratic National Convention met at Baltimore, May 22d, 1848. The composure of the Convention was disturbed by double sets of delegates from New York—the "Hunkers" and "Barnburners"—each claiming to be the *regular* party. Neither of these parties, however, took any part in the Convention. General Lewis Cass received the nomination for the Presidency.

The Whig National Convention met at Philadelphia, June 7th, 1848. General Zachary Taylor was nominated for the Presidency over Henry Clay, Daniel Webster, General Scott, and John McLean. Great confusion and excitement followed the announcement of the nomination. The leading Whigs of the Free States who had favored Webster, Scott, or Clay, in preference to Taylor, felt that the nominee was not the *representative* of the progressive ideas of the great Whig party; indeed, one of them, Mr. Allen, of Massachusetts, proclaimed in the Convention after the nomination, that *the Whig party had that day been dissolved.* Millard Fillmore was nominated for the Vice-Presidency. Resolutions were introduced amidst great confusion, to the effect that Congress possessed the legal power to prohibit Slavery in the Territories. This caused a storm most violent from the Southern

wing of Taylor's supporters. Right here was the element of destruction preying upon the Whig party. No more than oil and water can be united could the sentiments of the Pro-Slavery and Anti-Slavery elements of this body be harmonized. At every step new converts were being made for the new party—the Abolition or Republican party. "Barnburners" and "Hunkers" were calling mass meetings, and proclaiming against the Democratic nominee, General Cass. While this was going on, disaffected Whigs were holding meetings, and looking to some new combination through which they might have a fair exponent and a representative of their principles.

The "Barnburners," now a powerful organization, particularly throughout New York State, had held a Convention at Utica, New York, June 23d, 1848. They favored Van Buren for their nominee for the Presidency, but he declined, at the same time proclaiming in favor of Free Territory, and avowing that he could not support either the Democratic or Whig nominees for the Presidency. The Convention, notwithstanding his declination, nominated him for the Presidency by acclamation.

A mass Convention of the friends of Free Territory was held at Buffalo, New York, August 9th, 1848. Nearly all the Free States and the States of Virginia, Maryland, and Delaware were represented. The Convention was composed of many of the purest and best men of the country, attracting to it those persons of all previous parties who were opposed to human Slavery. The three following resolutions were unanimously passed:

"First, That it is the duty of the Federal Government to abolish Slavery wherever it has the constitutional power to do so,

and that the Government is responsible for its existence in such places. Second, That the States within which Slavery exists, are alone responsible for the continuance or existence of it within those States, and that the General Government has no authority over Slavery within the States. Third, That the true and safe means of preventing the existence of Slavery in territory now free is by Congressional action."

Charles Francis Adams, of Massachusetts, was chosen President of the Convention, and a Vice-President from each of the States was also chosen. Martin Van Buren was nominated for the Presidency, and John P. Hale for Vice-President, the former receiving 244 votes, and the latter 181. Mr. Hale was at the time a Democratic Congressman from New Hampshire, but his "free-soil" doctrines had placed him outside the ring of his party. Hale, who had been previously nominated for the Presidency by the Anti-Slavery party, at his request had his name withdrawn, and Charles Francis Adams was nominated for Vice-President by acclamation.

The Anti-Slavery party, which had run Birney twice for the Presidency, now centered their forces upon Van Buren, who went into the field with great reluctance, he having publicly announced some years previously that he should not again be a candidate for the Presidency. In the meantime Taylor, the Whig candidate, was gaining strength from the Democratic ranks. Many of the Southern people, tiring of that party, feared that Lewis Cass, being a Northern man, would not prove sound on the Slavery question. During this time, those who were more progressive in both the Democratic and Whig parties, and the disaffected "Barnburners," "Hunkers," and Abolitionists rallied to Van Buren's support, and swelled his vote in the fall election to 291,455. Here was an increase of *five-*

*fold* in the last four years for the Free-Soil party. Taylor, the Whig candidate for President, with Millard Fillmore for Vice-President, were elected, they receiving 1,362,031, and Cass and Butler 1,222,445 popular votes. Taylor was inaugurated President on the 5th of March, (the 4th being Sunday,) 1849, and Mr. Fillmore as Vice-President.

The leading topics engaging his first attention were the Acts of Congress in relation to the formation of governments for the Territories of Oregon and Utah and the admission of California. (See California.)

President Taylor died July 10th, 1850, and was succeeded on the same day by his Vice-President, Mr. Fillmore. The violent struggle maintained by the Democracy during Taylor's and Fillmore's administrations to perpetuate Slavery in all the Free Territory, and their opposition to the admission of California, will be found treated upon under the head of that State, in other chapters of this book.

The National Democratic Convention met at Baltimore, June 1st, 1852. Lewis Cass was a prominent member before it for the Presidency. James Buchanan, Stephen A. Douglas, and W. L. Marcy were also before the Convention. Several days were spent without effecting a nomination. On the fifth day of the Convention, Cass had run as high as 123 votes; still there was no nomination. It was now apparent that a "compromise" must be effected. Franklin Pierce, of New Hampshire, whose name had not before been mentioned, was presented by the Virginia delegation. Pierce, on the 49th ballot, received the nomination. W. R. King, of Alabama, was nominated for the Vice-Presidency.

The Whig National Convention met at Baltimore, on

the 16th of June, 1852. The prominent candidates before it were Fillmore, Gen. Scott, and Daniel Webster. Scott received the nomination on the fifty-third ballot, as follows: Scott 159, Fillmore 112, Webster 21. W. A. Graham, of North Carolina, was nominated for Vice-President. The issue upon the subject of Slavery was still a leading subject of discord.

The following extracts from the platforms of these two parties will clearly present their positions upon the subject of Slavery, at this time the one agitating the public more than all others:

DEMOCRATIC RESOLUTIONS OF 1852.

"*Resolved*, That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs and not prohibited by the Constitution; that all efforts of Abolitionists or others made to induce Congress to interfere with questions of Slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people, and to endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"*Resolved*, That the foregoing proposition covers and is intended to embrace the whole subject of Slavery agitation in Congress; and, therefore, the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the Compromise measures, settled by the last Congress—the act for reclaiming fugitives from service or labor included—which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, nor so changed as to destroy or impair its efficiency.

"*Resolved*, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the Slavery question, under whatever shape or color the attempt may be made."

WHIG RESOLUTIONS OF 1852.

"*Eighth.* That the series of acts of the XXXIst Congress, known as the Compromise measures of 1850—the act known as the Fugitive Slave Law included—are received and acquiesced in by the Whig party of the United States as a settlement, in principle and substance, of the dangerous and exciting questions which they embrace; and, so far as they are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand and the abuse of their powers on the other—not impairing their present efficiency; and we deprecate all further agitation of the question thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation whenever, wherever, or however the attempt may be made; and we will maintain this system as essential to the nationality of the Whig party and the integrity of the Union."

The "Free-Soil Democracy," or Abolition party, still in the lead of the old Whig party on the subject of prohibiting Slavery in the Free Territories, composed now of all the leading Abolitionists in the country, held their National Convention at Pittsburg, Pennsylvania, on August 11th, 1852. John P. Hale, of New Hampshire, was nominated for the Presidency, and George W. Julian, of Indiana, for the Vice-Presidency. Franklin Pierce and W. R. King, the Democratic nominees, were elected. Gen. Scott, the Whig candidate, carried but four States—Massachusetts, Kentucky, Tennessee, and Vermont—casting 42 electoral votes, while Pierce carried twenty-seven States, casting 254 votes in the electoral college. The popular vote of the three parties was as follows: Pierce, 1,590,490; Scott, 1,378,589; J. P. Hale, Abolitionist, 157,296. The latter party did not carry a single State. Pierce was inaugurated March 4th, 1853.

The pacific measures of Mr. Pierce, suggested to

Congress on December 6th, 1853, no doubt settled in his mind the once agitating subject of Slavery in the Territories; but the bills introduced early in the session for the government of the Territories of Kansas and Nebraska, opened the whole subject afresh, and brought the troubled subject of the Missouri Compromise to the surface. Bills were introduced to exempt this Territory from the application of the Compromise, and leading Democrats at once proclaimed themselves in favor of opening, without restraint, all the territory to Slavery. This announcement startled the people of the Free States, and soon the Slavery question began to develop in gigantic proportions.

Stephen A. Douglas, with his heresy of "Squatter Sovereignty," was widening the breach between the Pro-Slavery and Anti-Slavery parties of the country, to which his position as Chairman of the Committee on Territories at this time increased his influence. The able and patriotic stand taken by Salmon P. Chase of Ohio, at this time in the Senate, against the spread of Slavery, lent new hope to the friends of Freedom, and placed his name before the American people as an able champion of human freedom.

Nebraska and Kansas were filling up with emigrants from Free and Slave States. The Pro-Slavery element, encouraged by the doctrines of Douglas and others, soon began to make their way in large numbers from Missouri to Kansas, taking their slaves with them, where they met with considerable opposition from the Anti-Slavery settlers. The former, amongst other things, early in Pierce's administration, passed the following resolutions at a public meeting held by leading men of the party in Kansas:

"*Resolved*, That we will afford protection to no Abolitionist

as a settler of this Territory. That we recognize the institution of Slavery as already existing in this Territory, and advise slaveholders to introduce their property as early as possible."

During the whole of Pierce's administration a reign of terror prevailed throughout the Territory of Kansas. This was the last great battle field for the supremacy of human bondage in the Territory, and the Democracy made a desperate struggle against the party of Freedom, in which they were aided by the Executive and Stephen A. Douglas.

The political campaign of 1856, for the election of President and Vice-President of the United States, opened with unusual spirit. Three parties were in the field, one of which was the Democratic party, representing all the elements and doctrines of the party since the formation of the Government, and which have been already dealt with in preceding chapters, and must continue to form a link in the present volume to its close.

The Democratic National Convention met in Cincinnati on June 2d, 1856, and nominated Jamas Buchanan, of Pennsylvania, for President, and John C. Breckinridge, of Kentucky, for Vice-President. Stephen A. Douglas was a candidate before the Convention, but failed to obtain the nomination. Buchanan had a clear *Democratic* record. He had stood by his party, whilst they repealed the Act prohibiting Slavery from extending into the Western Territories, known as the "Missouri Compromise." He had years of experience, and was well skilled in the art of Democratic diplomacy, as will appear more fully toward the close of this chapter. The Convention, among other planks of its platform, adopted the following:

"1st. *Resolved,* That, claiming fellowship with, and desiring

the coöperation of, all who regard the preservation of the Union under the Constitution as the paramount issue, and repudiating all sectional parties and platforms concerning domestic Slavery, which seek to embroil the States, and incite to treason and armed resistance to law in the Territories, and whose avowed purpose, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska, as embodying the only sound and safe solution of the Slavery question upon which the great national idea of the people of this whole country can repose in its determined conservation of the Union, and non-interference of Congress with Slavery in the Territories or in the District of Columbia."

A new and powerful organization was now in the field, made up of the leaders of the old Whig party, who had stood in direct opposition to the Democratic party upon national and constitutional powers and principles. It also drew to its support all those who were opposed to the repeal of the Missouri Compromise, and those of all parties and sections who believed in the constitutional powers of Congress to legislate upon the subject of Slavery in the Territories. It had been gathering strength and form since 1840, at which time it formed a national organization known as the *Abolition* party, headed by J. G. Birney, as Presidential candidate, who polled 7,000 votes. The party had through each successive step, from that period to 1856, drawn within its circle the leading progressive men of the nation—those imbued with the spirit that inspired the Pilgrim Fathers, and such champions of human freedom as Washington, Warren, Mather, Franklin, John Adams, John Quincy Adams, Jefferson, Lafayette and others.

At this date, whatever was pure in the Democratic ranks was either attaching itself to the Whig or the new Republican party. The bloody crusades of

the Democracy against the Anti-Slavery men in Kansas during the preceding few years, had fully demonstrated the fact that until Slavery was obliterated, the fiendish propensities of that reckless, inhuman, illiterate, and vagrant band of ruffians, struggling for the enslavement of men upon the Free Territory, would not cease. Fully conscious of this, the Republican party came into the contest with increasing numbers, and inspired with the justness of their cause, manifested great determination. In 1854 they had carried most of the State elections in the Free States.

Their National Convention, under the name of the *Republican party*, met at Pittsburg, Pennsylvania, February 22d, 1856; but little more was done than to declare principles, and to give shape and vitality to the organization, which was destined to be the most powerful political party ever organized in America. Arrangements were made for the calling of a National Nominating Convention, which was called, and met at Philadelphia, June 17th, 1856. John C. Fremont, of California; Abraham Lincoln, of Illinois; John McLean, of Ohio, and William L. Dayton, of New Jersey, were before the Convention for nomination. Fremont received the nomination for President, and Dayton for Vice-President, and the Republican party entered upon their first national campaign with great hope and activity. They took strong grounds in favor of the constitutional powers of Congress to legislate in all things needful for the Territories, and incorporated the following resolutions as a part of their principles:

"*Resolved*, That with our Republican fathers, we hold it to be a self-evident truth that all men are endowed with the inalien-

able rights to life, liberty, and the pursuit of happiness; and that the primary object and ulterior design of our Federal Government was to secure these rights to all persons within its exclusive jurisdiction. That as our Republican fathers, when they had abolished Slavery in all our National Territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing Slavery in any Territory of the United States, by positive legislation, prohibiting its existence and extension therein. That we deny the authority of Congress, of a Territorial Legislature, of any individual or association of individuals, to give legal existence to Slavery in any Territory of the United States while the present Constitution shall be maintained.

"*Resolved*, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their Government; and that, in the exercise of this power, it is both the right and duty of Congress to prohibit in the Territories those twin relics of barbarism—Polygamy and Slavery."

In the campaign of 1856, a third party, known as the American party, was also in the field. It differed essentially from each of the other two parties, still it held a close affinity with the Democratic party upon the subject of Slavery in the Territories. Their candidate for the Presidency took strong grounds against the Republican party, denouncing it as a "sectional party."

Their National Convention met at Philadelphia, February 22d, 1856. A cardinal principle of the party was, that "Native born Americans must rule America." Millard Fillmore, of New York, George Law, of New York, and Andrew Jackson Donelson, of Tennessee, were before the Convention for nomination. Fillmore was nominated for the Presidency, and Donelson for the Vice-Presidency. The following resolution, as a part of their principles, adopted in the Convention, is a kind of political homeopathic dose:

"The recognition of the right of native born and naturalized citizens of the United States, permanently residing in any Territory thereof, to frame their Constitution and laws, and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the Federal Constitution, with the privilege of admission into the Union, whenever they have the requisite population for one representative in Congress: *Provided, always*, that none but those who are citizens of the United States, under the Constitution and laws thereof, and who have a fixed residence in any such Territory ought to participate in the formation of the Constitution, or in the enactment of laws for said Territory or State."

The *Whig* party was not represented as an organized body in the Presidential campaign of 1856; disease had set in upon it on the adoption of its platform in 1852. The Southern wing of the Democracy, which had affiliated itself with it at that time, (because Gen. Cass, the regular nominee of their own party, was a Northern man) soon dispersed the glorious old Whig party, not however to obscurity, but to the ranks of the new party of Republican Liberty, where they have continued since to march, carrying the Nation's Constitution, flag, honor, and arms, high in the ranks of greatness and universal freedom.

The Democratic candidates were successful. Buchanan received a popular vote of 1,803,029. Fremont received 1,342,164, and Fillmore 874,625. Buchanan was elected President, and Breckinridge Vice-President, still not by a *majority* of the popular vote.

In the Electoral College, the vote stood as follows: Buchanan, 174; Fremont, 114; Fillmore, 8—total, 291—thirty-one States voting. The vote for Vice-President was in each case as above.

The Republicans carried the six New England States and Ohio, Iowa, Michigan, Wisconsin, and the State of New York by 80,000 majority.

Buchanan carried Pennsylvania, Indiana, New Jersey, California, and Illinois—the three latter giving him a plurality vote. He also carried all the Slave States, except Maryland, which went for Fillmore.

Buchanan being installed at the head of the nation, proceeded to select his Cabinet, some of whom seem to have been chosen with an eye to their fitness for treason and villainy, as will more fully appear hereafter. His Cabinet was as follows: Lewis Cass, of Michigan, Secretary of State; Howell Cobb, of Georgia, Secretary of the Treasury; Jacob Thompson, of Mississippi, Secretary of the Interior; Isaac Toucey, of Connecticut, Secretary of the Navy; John B. Floyd, of Virginia, Secretary of War; Jeremiah Black, of Pennsylvania, Attorney-General; and Aaron V. Brown, of Tennessee, Postmaster-General.

The new Administration having in the first but little business of importance, turned its attention to the subject of the purchase of Cuba. Increasing troubles in Kansas, and the raid of the eccentric old John Brown into Virginia gave it some exercise. The Governor of Missouri offered a reward of three thousand dollars for John Brown, on the charge of his running off slaves. James Buchanan came in with his mite, and added *two hundred and fifty dollars* to the reward. Congress was engaged in maturing schemes for the acquisition of Cuba. Fourteen out of the fifteen Slave States having supported Buchanan, the *patronage* of the Government was extended to them.

The hostility of Southern leaders, both before and after the election of 1856, against Republicans and their doctrines, was bitter in the extreme, and threats of open violence were made, that no Republican President would be allowed to be inaugurated if elected.

Senator Butler, of South Carolina, said:

"When Fremont is elected we must rely upon what we have—good State Governments. Every Governor of the South should call the Legislature of his State together and have measures of the South decided upon; if they did not, and submit to the degradation, they would deserve the fate of slaves. I shall advise my Legislature to go at the tap of the drum."

In 1856, at Lynchburg, Virginia, Mr. Keitt, of South Carolina, in a speech, said: "I tell you now, that if Fremont is elected, *adherence to the Union is treason to liberty*. I tell you now, that the Southern man who will submit to his election is a traitor and a coward."

South Carolina Congressman, Preston S. Brooks, (who made the attack on Senator Sumner,) at a festival gotten up by his constituents for him, said:

"We have the issue upon us now, and how are we to meet it? I tell you, fellow citizens, from the bottom of my heart, that the only mode which I think available for meeting it is just to tear the Constitution of the United States, trample it under foot, and form a Southern Confederacy, every State of which will be a slaveholding State. (Loud and prolonged cheers.) I believe it, as I stand in the face of my Maker; I believe it on my responsibility to you as your representative, that the only hope of the South is in the South, and that the only available means to make that hope effective is to cut asunder the bonds that tie us together, and take our separate positions among the family of nations. These are my opinions; they have always been my opinions. I have been a Disunionist from the time I could think. If Fremont be elected President of the United States, I am for the people, in their majesty, rising above the law and the leaders, taking the power into their own hands, going by concert or not by concert, and laying the strong arm of Southern freemen upon the treasury and archives of the Government. (Applause.)"

Henry A. Wise, Governor of Virginia, in an address to the people in 1856, said:

"The South cannot, without degradation, submit to the elec-

tion of a Black Republican President. To tell me that we should submit to a Black Republican, under circumstances like these, is to tell me that Virginia and the fifteen Slave States are already subjugated and degraded. (Cheers.)"

The Richmond *Examiner*, an influential Democratic paper, speaking of Brooks' assault on Sumner, said:

"Sumner and Sumner's friends must be punished and silenced. Either such wretches must be hung or put in the penitentiary, or the *South should prepare at once to quit the Union.* If Fremont is elected, it will be the duty of the South *to dissolve the Union* and form a Southern Confederacy."

The Charleston *Mercury*, an influential Democratic organ, said:

"Upon the policy of dissolving the Union, of separating the South from our Northern enemies, and establishing a Southern Confederacy, parties, press, politicians, and the people are a unit. There is not a public man in her limits, not one of her present representatives in Congress, who is not pledged to the lips in favor of Disunion."

Senator Iveson, of Georgia, in 1860, addressing his constituents, said:

"Slavery must be maintained in the Union if possible, out of it if necessary; *peaceably if we may, forcibly if we must.*"

Senator Brown, of Mississippi, in an address to his State, said:

"I want Cuba, I want Tamaulipas, Potosi, and one or two other Mexican States. I want them all for the same reason—for the planting and spreading of Slavery—and a footing in Central America will powerfully aid us in acquiring those other States. Yes! I want these countries for the spread of Slavery, like the religion of our Divine Master, to the uttermost ends of the earth, and rebellious and wicked as the Yankees have been, I would even extend it to them."

Toombs, of Georgia, in 1856, said

"If Fremont is elected the Union *would be dissolved and ought to be dissolved.*"

William L. Yancey, (now deceased) a leading Democrat of Alabama, said in 1858:

"We shall fire the Southern heart, instruct the Southern mind, give courage to each other, and at the proper moment, by our *organized, concentrated action, we can precipitate the Cotton States into a rebellion.*"

Mr. Parks, in the Convention at Charleston, which passed the Secession Ordinance, said:

"It is no spasmodic effort that has come suddenly upon us, *but it has been gradually culminating for a long series of years,* until at last it has come to that point when we may say the matter is entirely right."

Mr. Inglis said:

"As my friend has said, most of us have had this matter under consideration for the last twenty years, and I presume we have by this time arrived at a decision on the subject."

Mr. Keitt added:

"*I have been engaged in this movement ever since I entered political life.* I am content with what we have done to-day, and content with what will take place to-morrow. We have carried the body of this Union to its last resting place, and now we will drop the flag over its grave."

Mr. Rhett said:

"The secession of South Carolina is not an event of to-day. It is not anything produced by Mr. Lincoln's election, or by the non-execution of the Fugitive Slave Law; it has been a matter which has been gathering head for thirty years."

The extracts from the speeches of leading Democrats of the South and from the leading Democratic journals above, will sufficiently disabuse the minds of those who, (if any there be) entertain the idea that the election of Lincoln to the Presidency in 1860 and his hostility to Slavery was the immediate cause of

the Senators and Congressmen from the Slave States taking their departure from the National Legislature and entering into hearty coöperation with the Governors of the Southern States in passing their ordinances of secession, and in levying war against the General Government. The people of the South themselves never believed that any great danger awaited them from the election of Lincoln, nor did their feelings undergo any change upon the subject of their rights during the period from the nomination of Fremont in 1856 to the nomination of Lincoln in 1860. Neither the events of this period, nor the history of the past, will warrant any such belief, and the pretext of "danger" and "encroachment upon the institutions of the South," are but the specious arguments of *apologists*, for those who for years secretly connived at the destruction of the American Union, and who, as is abundantly demonstrated by their own declarations, rejoiced at the opportunity of proclaiming the "Sovereignty" of the several States.

The history of the country from the adoption of the Articles of Confederation and through each successive stage, both of State and National policy and legislation, fully demonstrates that, at what is called the North and South, (popularly designated the Free and Slave States) a wide difference of opinion prevailed upon the subject of the relation of the States to the Union, and the power of the National Legislature to govern in certain matters of vital National interest. The popular opinion that the institution of Slavery at the South had arrayed its people against extended National legislation, and that a hatred of Slavery by the people of the Free States stimulated them in upholding and advocating National authority over the public domain, and upon other points, is not entirely correct.

Whilst it must be conceded that the interest of these opposite conditions of Slavery in one section and no Slavery in the other, were not without their due share of influence, and tended much to embitter the political relations of the two sections, yet impartial history teaches us that these conditions were not the *only*, nor can we concede them to be the *prime*, *moving* cause of their divided action upon questions of National legislation; for when all the States in the Union, North and South, were possessed of the element (Slavery) that is said to have brought about these opposite views of National authority, almost the same opinions were entertained by the two sections, as were in 1860.

Numerous extracts of speeches, debates, and letters already given in this volume, will fully establish this position; and the *State* legislation of the several States, which is a fair reflex of the views of the people, will at once show, that while in one section a steady march of progressive freedom and acquiescence in the supremacy of the National Government existed, in the other section a constant proscription of the religious and political freedom of the people, with a persistent opposition to National legislative authority, were practiced. That the tendencies of both sections were directly opposite upon the general principles of State policy and Republican government, is apparent. This subject will be found fully discussed in the treatise upon the several *State Constitutions* in this volume.

From the earliest period of the Government, the people of the New England and other Northern States seemed to comprehend and realize the necessity of a *Nationality*. "In Union there is strength" seemed to be their inspiring theme. Early in the seventeenth century they had torn themselves from the parent

country, seeking religious liberty. With the search of this came the necessity of *combination*, discipline and government. Before they had left the shores of Britain they *felt* this; and as their ship approached the American Continent, they found that for the government of the country, and the future government of their little band, Union must be established, and to that end they formed themselves into a body politic, framed a Constitution (already set forth in this work), elected a Governor, and entered upon the discharge of the duties of the government of the country. The subsequent Government of the New England Colonies and their Confederation, the Articles of Association, Declaration and Constitution of the United States were the offspring and echo of these principles and practices; and at each step of the struggle against British oppression, these people felt keenly the necessity of a reliance in a well organized and concentrated system of action, by which they could throw their whole force and strength against the enemy, and thus gradually and almost imperceptibly what are now known as the Northern States, and particularly the New England States, grew into a National Republic; and by each assault from the aggressor, the riots in Boston, the opposition to the Stamp and Duty Acts, and when they, single-handed, engaged the British troops at Lexington, and followed them to Bunker Hill and declared war against them—the most powerful nation of the earth—without any knowledge that they would be joined by any of the other Colonies, they felt the necessity of Union, nor indeed had they much reason to hope for assistance from their Southern sister Colonies.

When Warren, Putman, Franklin, and Hancock, rallied their men at Bunker Hill and the siege of Bos-

ton, *then* was Union determined upon; and when after seven years of bloody war, wherein Massachusetts alone sent into the field 13,825 more men than *all the South* (notwithstanding that the population of Virginia at that time was *double* as much as that of Massachusetts); then, when the green grass shrouded the bravest of her sons, and the nation draped in mourning wept for her heroic dead—when *Independence* was demonstrated, and the flag of the new Republic took its proud position among the family of nations' symbols, then, more than ever, did they feel the glory and the majesty of Union.

From 1620 to the day of the Independence of America, the New England Colonies had passed through the probationary stages of National Republicanism, and their people became well versed in the science and practice of organized government. Their whole circumstances, the objects of their leaving England, their separation and aspirations toward a complete religious and political freedom, taught them that, for the perpetuity of those objects and blessings, a "perfect Union" of the States was their only safety; and as a consequence and incident of the Union, the supremacy of the Government as the head of the nation must be recognized; and as each branch of the Government—Legislative, Judicial, and Executive—performed their varied functions, an acquiescence and cooperation with them characterized their actions, and at each sound of alarm from without or within, tending to impair or thwart the action or the usefulness of any of its branches, new jealousies were aroused and new safeguards were established for its perpetuity, until the Northern States became the *National Republican Government of America*, acting as the great safety-

valve of the nation, holding in its hand the key to national existence, and the perpetuity of American liberty.

The people of the Southern States, from the earliest period of their settlement, presented directly opposite characteristics, opinions and practices. Their colonization was not the result of search after freedom, either religious or political. The leaders were men of learning, high ambition, and exalted ideas—of hereditary fame and descent. They were fully imbued with the doctrine of the "*divine right of kings;*" and as they held the lower class, or what the slaves called "poor white trash," in a species of vassalage, they soon learned to believe that they, too, "the first families," were kingly (in their way), viewed the *status* of man, in proportion to his possessions, and in each Colony and State, set up a species of Royal Government, which was superintended by a few wealthy families, to the exclusion of those not possessed of the legal property qualifications.

On the breaking out of the Revolutionary War, in 1776, the South fell in with the Northern States, although not without strong opposition from the wealthy class and those generally in authority. As the war progressed, a hearty coöperation was tendered by the great majority of the South; still, the altered political condition of the country had but little changed the views of those in authority, and it is fair to conclude that not until the surrender of the armies of the Confederate Government in the late Rebellion [1865] did the people of the Slave States realize that their State Governments could be divested of their "*sovereignty.*" Settled down in their own States, surrounded by comforts, and educated in the school of domination, they

fully believed in the nationality of the *States*, and regarded each State as an independent nation.

No better evidence upon this is necessary than the proceedings and debates in the Convention that framed the Constitution of the United States, which will be found in a preceding chapter of this volume, and the history of the constant opposition on the part of Southern Senators and Representatives to the powers of the National Legislature. Indeed, the very idea and name of *National Government* have been repugnant to them; and their statesmen, in National and State legislation, have carefully avoided the use of the term, either in debate or the framing of laws, and have, in more than one important national act, caused the word "National" to be stricken out, declaring that the use of the term was inconsistent with the nature of the Government, and repugnant to the dignity of the "Sovereign States." They held that the Constitution did not consolidate the States into a National Union, but into a Confederation of Sovereign States; and to this idea all legislation, whether of State or General Government, was conformed, at least so far as the influence of Southern statesmen could control it.

As the Northern States began to loose the bonds of the slave, and to extend the elective franchise and abolish religious proscriptions, and assimilate themselves to the requirements of the Federal Constitution, their representatives went to the National Capital with enlarged ideas of liberal legislation, and a sincere belief in the necessity of a National legislative department to adjust and redress public grievances. But the Southern representatives were imbued with entirely opposite views. The delegates from the South in the lower house of the National Congress went there upon

a three-fifth representation of "men held to service," who in law were merchandise—not by the laws of nations, the civil or common law, but by the local laws of the individual States. Their views of liberal legislation did not, therefore, keep pace with the views of men from the Free States, who had a representation in Congress based not upon the inanimate commodity of "chattels," but upon the basis of freemen—thinking, active, resolute men.

The North did not dread liberal National legislation, but rather courted it. Her State Governments were in harmony with the spirit of liberal laws. Her statesmen began to take strong grounds for an acknowledgment of the constitutional authority of the National Legislature to govern the public domain; and in proportion as they advocated this view, it met with violent opposition from the Southern Statesmen, who, fearing that the "sovereignty" of their States would be merged into the General Government, declared that any attempt to legislate upon such matters by the General Government would be subversive of "State Rights;" and as at each step of legislative progress at the North, the people advocated and upheld enlarged Federal legislation, the representatives from the South made determined opposition, until the two sections stood in direct antagonism, which was occasionally relaxed by one or the other to hold the balance of power, or forward party interests.

But the balance of power could not have been expected long to remain with the people of the South. The tendencies of their doctrines were in conflict with the letter and spirit of the Constitution and Declaration of Independence; and each year carried them further from the philosophy of Republican Government, until

the year 1860 found them with weapons in their hands protesting against and defying the authority of the legally constituted authorities of the General Government. Under this state of affairs their opposition was more formidable than at any former stage of the Government, but not more *opposed* to its principles; for at no time since the Union of the States had the Southern States acknowledged the National Government. At no time had they been "Republican in form." At no time had they formed a part of the *American Nation* (save in name), nor affiliated with the spirit of Republican Government. They were as foreign to the interests and progress of America as was Spain or Russia; and, indeed, were the greatest obstruction to the carrying out of the system of government, designed by the patriots and statesmen of the revolutionary period—not passive and inactive, non-participants in the affairs of the Government, but active and persistent *obstructionists*, who, at every progressive step made by the party in harmony with the principles of the Constitution, entered with renewed vigor upon bold and defiant opposition to the laws and measures of the Federal Government.

The struggle between the Democratic and Republican party during the period of President Buchanan's administration, from March 4th, 1857, to March 4th, 1861, was one of the most momentous and fierce contests for liberty or despotism ever fought within the arena of political combat. The National Union Republican party was on the *outside* of the ring; the Anti-National party on the *inside*, and securely entrenched at the Capital of the Nation. Buchanan, as their chief, had, in compensation for the undivided vote of the Slave States, extended the whole Federal

patronage to the supporters of the party. Old line Whigs and disaffected Democrats, with modern school Republicans, were expelled from official positions in every State and Territory, with a recklessness and ferocity unparalleled in the history of the Government; and although the labor thus to be performed was not great, yet it was thoroughly done. Indeed, almost the entire patronage and emoluments of the Government of the Nation had been in the hands of the Democratic party since the formation of the Government. The Army, the Navy, and the great civil list of appointees and employés were made up of persons from the Slave States, or those in sympathy with their views at the North, interspersed with an occasional appointment from the Free States, as *policy* might require.

Slave labor and the emoluments of the Federal Government supported in luxury the "first families" of the South, and now for the first time in the history of the Government that there was danger of the Federal supply being cut off by the encroachments of the new party (Republican), a double incentive was apparent that they, at all sacrifices, hold the "balance of power;" and never did General entrench himself with more caution, or throw out his pickets with more watchfulness against an invading enemy, than did the slave power within the entire lines of the Federal Government.

The majority of Buchanan's Cabinet were "picked men," well versed in the diplomacy of villainy. Prominent among the most efficient was his Secretary of War, John B. Floyd. Subtle as a serpent, employed for the especial purpose of supplying the Democracy with the necessary amount of military stores, and a proper distribution of the army within the slavehold-

ing States. How well and how *faithfully* he discharged his duties can be ascertained by an examination of the history of his stripping and dismantling armories and arsenals throughout the Free States and concentrating the military stores and equipments of the Nation within and about the forts and harbors of the South.

From January 1st, 1860, to January 1st, 1861, Floyd had sent South from the Springfield Armory, Massachusetts, 105,000 percussion muskets; from Watertown, New York, 6,000 percussion rifles; and from Watervlit, New York, 4,000 percussion rifles.

The Secession Ordinance of South Carolina, of December 20th, 1860, and the belligerent attitude of the South, caused the gallant Major Anderson, on the 26th, to concentrate his forces at Fort Sumter. Floyd made a peremptory order for the transfer of all the heavy guns at Alleghany Arsenal, Pennsylvania. He said:

"Send immediately to Ship Island, near Balize, (mouth of the Mississippi) 46 cannon—21 ten-inch columbiads, 21 eight-inch columbiads, 4 thirty-two pounders, (iron); and to Galveston, 78 cannon—23 ten-inch columbiads, 48 eight-inch columbiads, 7 thirty-two pounders, (iron.)"

Floyd resigned his office on December 29th, 1860, and joined his Southern brethren. Honorable Joseph Holt, of Kentucky, (who has since proven himself one of America's truest patriots) was appointed his successor, and stopped further shipment of arms South. The whole North was rendered defenseless, and the South placed upon a strong military basis for either offensive or defensive operations, as circumstances might demand.

Another picked man was the Attorney-General of Buchanan; and for an appreciation of judgment made

in his selection, and the *Democratic-like* manner in which he discharged the *duties* devolving upon him, the reader is referred to his written opinion to the President upon the subject of the seceding States, where he, like Buchanan, held that there was "no *constitutional* power in the General Government to *coerce* a State that had *seceded*, or was about to *secede*."

The Senate and House of Representatives were well stocked with some of the "best blood" of the South, who seemed by some presentiment to be aware that their days in the National Legislature were drawing to a close forever; and as the days of Buchanan's Administration were counted off—like the prisoner in his cell tells through the weary night the hours that hasten him on to execution—they numbered theirs; and although the uninitiated could not see danger in the defeat of Fremont and the Republican party in 1856, yet, in this defeat and this party, the sagacious politician saw a *victory;* the "handwriting" was "on the wall."

The new Republican party was full of vigor. It came up from the direction of the rising sun, where the monuments erected to the Nation's heroes have never been gazed upon by a slave. Came with a platform upon which *Liberty* stood; equal justice before the law was inscribed upon its banners; freedom, industry, virtue and patriotism marched in its ranks, and high upon its banners was "*Union* now, and forever," from which the party in power shrank like a guilty thing under a terrible summons.

Through the four years of the administration (Buchanan's) the Democratic party was in the sweat and gall of bitterness. The new National Republican party was daily gaining strength. Local elections were watched by the party in power, only to extract groans from them as they witnessed their defeat.

*Republicanism* made heavy draughts from the ranks of the Democracy in the Free States. The power of the press, that mighty engine, shed its illuminating rays upon the new party. The pulpit came to the rescue, and a "political sermon by special request," was relished by the village "church-goers" throughout the land. New clubs and organizations were formed, and old familiar faces from the Democratic ranks joined them, which cast radiant smiles upon the faces of Republicans, while the once cheery countenance of the Democratic official was quite chop-fallen and woe-begone.

The spring of 1860 had opened with increased political activity. The immense Federal patronage in the hands of the Democrats, would almost seem to warrant their success in the coming election in November, and a death struggle was inaugurated to keep afloat the old Democratic craft; but she was top-heavy, sails torn, helm unsteady and leaking badly, and the roar of breakers could be heard in the distance. As time wore on, it was evident that dissensions were rife among the Democrats of the "Border States" and at the North; and that a third party, if not a fourth, would be in the field; and sure enough there was. The time for nominations for the Presidency was at hand, and despite all influences brought to the rescue, *four* political parties were before the people.

# CHAPTER XIV.

PRESIDENTIAL CAMPAIGN OF 1860. — NOMINATION OF ABRAHAM LINCOLN. — STEPHEN A. DOUGLAS. — JOHN C. BRECKINRIDGE. — JOHN BELL. — LINCOLN ELECTED. — SECESSION OF SLAVE STATES. — LAST DAYS OF BUCHANAN'S ADMINISTRATION. — THE LONDON TIMES ON BUCHANAN'S OFFICIAL CONDUCT. — PLATFORMS OF THE PARTIES. — OFFICERS OF THE SOUTHERN CONFEDERACY.

THE history of civilized nations presents no chapter so black with official corruption as that of the period from Buchanan's election, in 1856, to the close of his term, March 4th, 1861; and upon this subject the most conclusive documentary evidence abounds.

A period had evidently arrived in the history of the American Government, when chicanery, deception, robbery of the Federal Treasury, and even the prostitution of the Executive office to subserve partisan ends, and carry State and National elections, were regarded as virtues. [The reader is referred to the proceedings of Congress during the month of March, 1860, upon the investigation of frauds; also, to the "American Statesman," page 1035, edition of 1866.] Contracts were let by the Government to *extreme* Democrats, at rates thousands of dollars higher than "Conservative" men had bid. The days of Democratic power were drawing to a close, and they came into the fall campaign of 1860, with a keen sense of the power of the Republican party, and with a determination to make a death struggle to retain that place and power so long usurped by them.

The National Democratic Convention met at Charles-

ton, South Carolina, April 23d; but although all seemed well upon the surface, they were doomed to trouble, and right in this Convention *Secession* began—secession and demoralization in their own ranks—for it was ascertained that double sets of delegates were present from some States, entertaining and advocating views that could not be hoped to be harmonized. After days of debate, a committee was appointed to draft and present a platform for the party, and after great delay, contention, and excitement, two sets of platforms and resolutions were presented; one by the majority of the Convention, and one by the minority. The report of the majority was in harmony with the political sentiments of the delegates from the Slave States. The minority report was more in harmony with the Northern Democrats, and received the support of the Douglas wing of the Convention. Upon the propositions for the adoption of the reports and resolutions, the friends of each took strong and decided grounds to maintain their respective positions; and a scene of *Democratic* discord ensued, such as never had been witnessed among civilized men before.

The Douglas Democrats in the Convention were in the majority; they favored the *minority* report, and on a vote taken, it was adopted as the platform of the "National Democratic Party." Upon the announcement of the result, the Southern wing of the hall began to disgorge, and a *Secession* "ordinance" was mutually and speedily entered into by the delegates from South Carolina, Texas, Alabama, Arkansas, Mississippi, Louisiana, Florida, and Georgia, who beating a hasty retreat, entrenched themselves in another hall, hoisted their flag, and set up a new "Confederacy." This spread demoralization through the ranks of the Dem-

ocracy over the entire country; but the Seceders declared their determination to "die in the last ditch" before they would succumb to the "softs" of the Northern Democracy.

The National Democratic party, after several ineffectual ballots, adjourned May 31st, to meet again at Baltimore on the 18th of June, 1860. At last the *Seceders* had adopted a platform and started business; and after four days' session adjourned to meet at Richmond, June 11th, 1860.

The Republican National Convention met at Chicago, on Wednesday, May 16th, 1860. On calling the roll it was found that all the Free States were represented by delegates; and that of the Slave States, Missouri, Delaware, Maryland, and Virginia, also the District of Columbia, were the only ones present; the others having refused to elect delegates.

This was the first time in the history of the Government that so decided a sectional hostility existed, that a National Convention for Presidential nominations, be there ever so many parties, did not receive delegates from all sections of the Union. *The country was divided.* On Friday, May 18th, the Convention proceeded to nominate for President and Vice-President of the United States. Abraham Lincoln, of Illinois, was nominated for President, and Hannibal Hamlin, of Maine, for Vice-President. The announcement of these nominations caused great commotion among the Democrats. Threats loud and violent came from the Slave States, that they never would submit to "Lincoln rule;" that if he was elected, he should "never take his seat."

A fourth organization, known as the "Constitutional Union" party, made up of those once known as the

"American" party; differing from all the other parties, they might properly be called Conservative Republicans. Their political doctrines were not very fully defined, but they were for the "Union," upholding Federal authority and the supremacy of the laws. They were a "split" from or a mixture of Union Democrats and Conservative Republicans. They met at Baltimore, May 19th, 1860, and nominated John Bell, of Tennessee, for President of the United States, and Edward Everett, of Massachusetts, for Vice-President. The better to understand their position their platform is here inserted:

"*Whereas*, Experience has demonstrated that platforms, adopted by the partisan Conventions of the country, have had the effect to mislead and deceive the people, and at the same time to widen the political divisions of the country, by the creation and encouragement of geographical and sectional parties, therefore,

"*Resolved*, That it is both the part of patriotism and of duty to *recognize* no political principle other than the *Constitution of the country, the Union of the States, and the enforcement of the laws;* and that, as representatives of the Constitutional Union men of the country in National Convention assembled, we hereby pledge ourselves to maintain, protect and defend, separately and unitedly, these great principles of public liberty and national safety against all enemies, at home or abroad; believing that thereby peace may once more be restored to the country, the rights of the people and of the States re-established, and the Government again placed in that condition of justice, fraternity and equality which, under the example and Constitution of our Fathers, has solemnly bound every citizen of the United States to maintain a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

Next in order, were the *Seceders* or extreme Southern party. They, pursuant to adjournment, met at Richmond, on June 11th, 1860, and after a day's consulta-

tion, adjourned to the 21st, and met again on the 28th, (twenty-one States were represented) when they nominated John C. Breckinridge, of Kentucky, for President of the United States, and Joseph Lane, of Oregon, for Vice-President.

Pursuant to adjournment at Charleston, the National Democratic Convention met at Baltimore, on Monday, June 18th, 1860. On calling the roll, discord again presented itself. Delegates from the Slave States, claiming to be in the place of those who seceded at Charleston, presented themselves, and great confusion followed. Delegates from other States withdrew, and it was now apparent that demoralization, if not chronic decay, had seized upon the Democratic body politic. The Convention assumed order; Stephen A. Douglas, of Illinois, was nominated for President of the United States, and Benjamin Fitzpatrick, of Alabama, was nominated for Vice-President, but the latter declined the nomination, and Herschel V. Johnson, of Georgia, was substituted.

That the position of the three remaining parties may be understood, the following extracts from their platform are here given:

"1. *Lincoln.*—Slavery can only exist by virtue of municipal law, and there is no law for it in the Territories, and no power to enact one. Congress can establish or legalize Slavery nowhere, but is bound to prohibit it in, or exclude it from, any and every Federal Territory, whenever and wherever there shall be necessity for such exclusion or prohibition."

"2. *Douglas.*—Slavery, or no Slavery, in any Territory is entirely the affair of the white inhabitants of said Territory. If they choose to have it, it is their right; if they choose *not* to have it, they have a right to exclude or prohibit it. Neither Congress nor the people of the Union, or of any part of it outside of said Territory, have any right to meddle with or trouble themselves about the matter."

"3. *Breckinridge.*—The citizen of any State has a right to migrate to any Territory, taking with him anything which is property by the law of his own State, and hold, enjoy, and be protected in the use of such property in said Territory; and Congress is bound to render such protection wherever necessary, whether with or without the coöperation of the Territorial Legislature."

The secession of the extreme Southerners from the Charleston Convention, is now well known to have been a *premeditated* arrangement, to divide the party and cause the election of a Northern President, as a pretext for discontent and apparent cause of grievances when they would secede; and this belief is well supported by the ample preparation made by Floyd and Buchanan, and the whole Democratic party of the South, to arm and discipline the people and prepare them for the conflict.

The campaign opened immediately after the nominations, and the champions of the respective parties took the field in person. Lincoln and Douglas were the great centre of attraction. Popular opinion had cast the impression, that the abilities of Douglas, as a debater, would give him a great advantage over Mr. Lincoln; but this delusion soon vanished, for not only was Douglas matched but completely mastered by Mr. Lincoln, who, during that memorable canvass, established himself as the leading debater upon National questions in the whole country, and made himself a great favorite, even among his political opponents, for his calm, dignified and *honest* manner of debate.

The "split" in the Democratic ranks, and the fact that their vote would be divided among *three* parties, while the *real* Republican party would rally to its standard the strength of the whole party, presented a formidable and serious aspect to the Democracy. The Republicans began to be sanguine of success, and the leaders,

from Oregon to Maine, plunged into the combat with the spirit of desperation, *determined* to win.

The summer elections for State officers began to develop signs of Republican strength. New Hampshire, Connecticut, Maine, Vermont, Pennsylvania, and Indiana had given decided Republican majorities. Lincoln and his friends had made a thorough canvass of the Free States, while Douglas and his party, and the other two parties, canvassed both North and South, Douglas making a thorough tour of the Slave States in person; but his "Squatter Sovereignty" was too tame within the regions of the cotton-fields of the South, and they spewed the "Little Giant" and his doctrines out of their mouths for the more agreeable theory that the people of the Territories *should not* legislate Slavery out of them, and that Slavery, like any other property, had a right to be protected in any State or Territory, and "must be protected."

Monday, November 6th, 1860, was the day for holding the Presidential election throughout the whole Union; that of all days, since the accomplishment of the American Independence, was the most eventful. The whole nation had been wrought up to a fever by the interests of the issues, and the excitement of the campaign carried on by four rival parties upon a scale and with a determination never before known in the country. Daily and nightly meetings in every city, town and village; long lines of nightly torchlight processions; banners of every size; devices and mottoes, new, novel and exciting. Fire and militia companies, bonfires, and the roar of cannon, had for months given the whole country the aspect of a great military encampment preparing to march upon the enemy at a moment's warning. The combatants came into the ring eager for

the fray; and if any doubt rested in the minds of the Republican party respecting their victory, it was dispelled before the sun reached the meridian on that day, and the Republican hosts marched to their quarters at the close of the day with victory perched upon their banners.

Every Free State in the Nation had been carried by the Republicans, except New Jersey. And now, for the first time in the history of the country, a party declaring that "the nation could not live half slave and half free," and who proclaimed their belief that Congress had the constitutional power to legislate upon Slavery in the Territories, had taken the lead in the affairs of the Government.

The regular Democratic, the "Constitutional Union," and the extreme Southern parties, were all defeated and sorely demoralized, and the announcement of the result was the signal for the Slave States to carry out their long cherished plans of seceding from the Union. Congress was not in session, and the Senators, Congressmen, Cabinet, and other Government officials were with the people of their respective States.

On the summing up of the vote of the country, a most remarkable sectional feeling at the South was manifest. Lincoln had not carried a single State of the Slave States in the Electoral College. In only three of them, and they bordering on the Free States, did he receive a single vote of the people. Delaware, Kentucky, and Maryland had given him a few scattering votes, while in all the other Slave States his name was not before the people.

The vote of the Electoral College was 303, of which Lincoln received 180; Breckinridge, 72; Bell, 39, and Douglas, 12. Lincoln received 57 more than all the

others, and 38 over the necessary majority to elect him. The whole popular vote cast, at large, was 4,680,193, of which Lincoln received 1,866,452; all others, 2,813,741. (See Appendix.) Douglas, in the Electoral College, received only three votes from New Jersey, and the nine votes of Missouri—twelve in all.

On the news of the result of the election, South Carolina was ripe for action. The Secession Ordinance of 1832, relinquished through the dread of General Jackson dealing summary punishment, was again revived. The Governor of the State had advised the people, November 5th, 1860, the day before the election, that if Lincoln should be elected, the people should seek *redress*, and added that the "secession of South Carolina from the Federal Union" alone would satisfy the people.

On the day after the election, November 7th, 1860, the leaders in the Slave States were wild with joy. Mass meetings filled every hall, where separation and "no compromise" was the theme. The North must be rebuked for the election of a President. It was a "sectional" election, and South Carolina at once proceeded to organize her "sovereign powers" into an independent nation. At this time it was not certain that any of the "Sovereign States" would form themselves into a National Government; indeed, the contrary opinion prevailed. "National" and "Union" Government had been repugnant to them; still, the general belief was that those "Sovereign Nations" should each retain their position among the family of governments, but for purposes *offensive* and *defensive* they should "Confederate."

Steps were at once taken for the independence of South Carolina. November 7th, the day after the

election, the Federal officers at Charleston resigned. (It will be remembered that Lincoln's term of office would not commence until March 4th, 1861, just five months from the date of these proceedings.)

At the meeting of the South Carolina Legislature, called by Governor Gist, and which met at Columbia, November 5th, the day before the election, James Chestnut, Jr., United States Senator from South Carolina, being called upon for a speech, said:

"Before the setting of to-morrow's sun, in all human probability, the destiny of this Confederated Republic will be decided. He solemnly thought, in all human probability, that the Republican party would triumph in the election of Lincoln as President. In that event, the lines of our enemies seem to be closing around us; but they must be broken. They might see in the hurried paths of these starched men of livery the funeral cortege of the Constitution of the country. Peace, hope, independence, liberty, power, and the prosperity of Sovereign States may be draped as chief mourners; still, in the rear of this procession there is the light of the glorious past, from which they might rekindle the dying blaze of their own altars. We see it all, know it all, feel it all, and, with heaven's help, we will meet it all.

"But the question now was, would the South submit to a Black Republican President, and a Black Republican Congress, which will claim the right to construe the Constitution of the country and administer the Government in their own hands, not by the law of the instrument itself, nor by that of the fathers of the country, nor by the practices of those who administered seventy years ago, but by rules drawn from their own blind consciences and crazy brains? They call us inferior, semi-civilized barbarians, and claim the right to possess our lands, and give them to the destitute of the Old World and the profligates of this. They claim the dogmas of the Declaration of Independence as part of the Constitution, and that it is their right and duty to so administer the Government as to give full effect to them. The people now must choose whether they will be governed by enemies, or govern themselves.

"For himself, he would unfurl the Palmetto flag, fling it to the breeze, and with the spirit of a brave man, determine to live

and die as became our glorious ancestors, and ring the clarion notes of defiance in the ears of an insolent foe. He then spoke of the undoubted right to withdraw their delegated powers, and it was their duty, in the event contemplated, to withdraw them —it was their only safety."

A leading Congressman of South Carolina, W. W. Boyce, in a speech on November 5th, spoke as follows:

"The question then is, what are we to do? In my opinion, the South ought not to submit. If you intend to resist, the way to resist in earnest is to act. The way to enact revolution is to stare it in the face. I think the only policy for us is to arm as soon as we receive authentic intelligence of the election of Lincoln. It is for South Carolina, in the quickest manner, and by the most direct means, to withdraw from the Union; then we will not submit, whether the other Southern States will act with us or with our enemies."

On the confirmation of the election of Lincoln, the Cotton States were in a blaze of excitement. Such rejoicings and congratulations had never before been seen; every male citizen was improvised into a military chieftain; lazy and sluggish gaits of corpulent "Chivs" were hastened into blustering swagger, and the slave-driver cracked his whip until aged "chattels'" eyeballs stood out in alarm, thinking that the judgment day was at hand.

The secession of the Slave States, in the order in which they passed their ordinances, is here given.

South Carolina.—November 7th, 1860, the Federal officers at Charleston resigned. November 10th, bill introduced into the Legislature for the enrollment of 10,000 volunteers. James Chestnut, Jr., and James H. Hammond, United States Senators, resigned their seats. A Convention was called to meet December 17th, delegates to be elected December 6th. Decem-

ber 13th, a bill passed in the Legislature staying the collection of all debts due citizens of non-slaveholding States; Francis W. Pickens elected Governor. December 20th, Ordinances of Secession adopted unanimously, as follows:

"We, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the Ordinance adopted by us in Convention, on the 23d day of May, in the year of our Lord, 1788, whereby the Constitution of the United States of America was ratified, and also all Acts and parts of Acts of the General Assembly of this State, ratifying the amendments of the said Constitution are hereby repealed; and that the Union now subsisting between South Carolina and other States, under the name of the United States of America, is hereby dissolved."

December 21st, Commissioners were appointed to proceed to Washington to treat with the United States Government for all its property within the limits of South Carolina; a Southern Congress proposed, and Commissioners were appointed to the other Slaveholding States. December 24th, Representatives in Congress withdrew. January 3d, 1861, Commissioners from South Carolina left Washington. January 4th, 1861, Delegates to a Southern Congress appointed. January 5th, Convention adjourned, subject to the call of the Governor. January 14th, Legislature declared that any attempt on the part of the United States to reinforce Fort Sumter, will be considered as a declaration of war. Accepted the services of Catawba Indians, and approved the Governor's action in firing on the *Star of the West*. January 27th, Commissioners from Virginia received, but declined to coöperate with them. The following resolution was passed:

"*Resolved, unanimously*, That the separation of South Carolina from the Federal Union is *final, and she has no further inter-*

*est in the Constitution of the United States*, and that the only appropriate negotiation between her and the Federal Government is, as to their mutual relations as foreign States."

March 26th, Convention met at Charleston. April 3d, 1861, "Confederate" Constitution ratified. April 8th, forts and all other United States property in South Carolina transferred by the Legislature of the State to the Confederate Government.

GEORGIA. — November 8th, 1860, Legislature met pursuant to adjournment. November 18th, Convention called; $1,000,000 appropriated to arm the State. December 3d, Legislature adopts resolutions, proposing a conference of the Southern States to meet at Atlanta, February 20th, 1861. January 17th, Convention met; Commissioners from Alabama and South Carolina received. January 18th, resolutions declaring it the duty and the right of Georgia to secede adopted; vote—yeas 165, nays 130. January 19th, Secession Ordinance passed. January 21st, Senators and Representatives in Congress withdrew. January 24th, Delegates to Southern Congress elected to meet at Montgomery, Alabama. January 28th, Commissioners to other Slaveholding States elected. January 29th, Address "to the South and the world" adopted. March 7th, Convention reassembled. March 16th, ratified Confederate Constitution. March 20th, passed ordinance authorizing the "Confederate" Government to occupy, use and possess the Arsenals, Forts, Navy Yards and Custom Houses within the State of Georgia. April 26th, Governor Brown issued a proclamation repudiating all debts due by citizens of Georgia to Northern men.

MISSISSIPPI.—November 26th, 1860, Legislature met, and adjourned November 30th; fixed time for election

to Convention for December 20th; Convention to meet January 7th; Secession bills passed unanimously; appointed Commissioners to other Slaveholding States. January 7th, 1861, Convention met. January 9th, Ordinance of Secession passed; the people declared in their ordinance their desire to join in a Southern Confederacy. January 10th, Commissioners from other States received; South Carolina, by resolution, recognized as a "Sovereign and Independent State." January 12th, Representatives in United States Congress withdrew. January 19th, resolutions to provide for Southern Confederacy adopted. January 21st, Senators in Congress withdrew. March 30th, Confederate Constitution ratified.

Florida.—November 26th, 1860, Legislature met; immediate secession recommended by Governor Perry. December 1st, bill for Convention passed. January 3d, 1861, Convention met. January 7th, Commissioners from Alabama and South Carolina received. January 10th, Secession Ordinance passed. January 18th, Delegates to Southern Congress at Montgomery appointed. January 21st, Senators and Representatives in Congress withdrew. February 14th, Legislature passed an Act, declaring that it shall be treason, punishable with death, for any citizen of Florida to hold any office in the Federal Government, after a collision between the troops of Florida and those of the United States; also, transferring all Government property over to the Confederate Government.

Louisiana.—December 10th, 1860, Legislature met. December 11th, called Convention for January. December 23d, passed military bill. December 12th, Mississippi Commissioners received instructions from

the Governor to communicate with Governors of the other Slave States. January 23d, 1861, Convention met and organized; received Commissioners from Alabama and South Carolina. January 25th, Secession Ordinance passed. February 5th, Senators and Representatives withdrew from Congress; adopted State flag. March 7th, $536,000 gold in the United States Mint and Customs turned over to the Confederate Government by Convention. March 14th, Confederate Congress accepted the above sum with resolutions of "*a high sense of the patriotic liberty of the old State of Louisiana.*" March 21st, "Confederate" Constitution ratified; all arms and property in Louisiana "captured" from the United States turned over to the Confederate Government. March 27th, Convention adjourned *sine die.*

ALABAMA.—January 7th, 1861, Convention met. On the 8th, South Carolina Commissioners arrived. January 11th, adopted Secession Ordinance; in secret session refused to submit Ordinance to the people. January 14th, Legislature met. January 19th, Delegates to Southern Congress elected. January 20th, Senators and Representatives in Congress withdrew. January 26th, appointed Commissioners to treat with United States relative to United States Arsenals, Forts, and other property within the State; Convention invited the people of the States of Alabama, Missouri, Tennessee, Kentucky, Texas, Arkansas, Louisiana, Mississippi, Georgia, Florida, South Carolina, North Carolina, Virginia, Delaware, and Maryland, to meet the Delegates in Convention, at Montgomery, on February 4th, 1861; passed military bill; appointed Commissioners to Slaveholding States. March 4th, Convention re-assembled.

March 13th, Confederate Constitution ratified; Forts, Arsenals, etc., in the State, transferred to the control of Confederate Government.

Arkansas.—January 16th, 1861, bill passed by Legislature calling Convention. February 18th, Delegates elected. March 4th, Convention met. March 18th, Ordinance of Secession defeated in Convention; a compromise being effected by the Convention agreeing to submit the question to the people on the first Monday in August. May 6th, Secession Ordinance passed; Delegates to Provisional Congress instructed to transfer the Arsenal at Little Rock, and the United States property in the State, to the Confederate Government.

Texas.—January 21st, 1861, Legislature met. January 28th, State Convention met. January 29th, Legislature passed resolutions declaring that the Federal Government has no power to coerce a Sovereign State after she has separated from the Federal Union. February 1st, Secession Ordinance passed in Convention; passed military bill. February 7th, Ordinance for the forming of a Southern Confederacy passed; Delegates to Southern Congress elected; Ordinance of Secession was voted on by the people. February 23d, Ordinance of Secession voted on by the people adopted. March 4th, Convention declared the State out of the Union; a proclamation to that effect was issued by Governor Houston. March 16th, Convention deposed General Houston; Houston protested against this, and appealed to the people. March 20th, action of the Convention was confirmed by the Legislature; transferred all United States property in the State to the Confederate Government. March 23d, Confederate Constitution ratified.

North Carolina.—November 20th, 1860, Legislature met; Governor Ellis recommended a Congress of Southern States, a thorough organization of the militia, and an enrollment of all unenrolled persons between 18 and 45 years of age; the organization of a corps of ten thousand men. December 9th, Committee on Federal Relations reported Convention bill. December 17th, $300,000 appropriated to arm the State. Dec. 18th, Senate passed the above bill. December 20th, Commissioners from Mississippi and Alabama received. December 22d, Senate bill above, to arm the State, failed to pass the House; adjourned till 7th of January, 1861. January 8th, Senate bill to arm the State passed the House. January 30th, no Ordinance of Secession was to be valid unless it was ratified by a majority of the legal voters of the State. January 31st, elected Thomas L. Clingman United States Senator. February 13th, Georgia Commissioners publicly received. February 20th, military bill passed. February 28th, the people voted against a Convention by 661 majority. May 1st, extra session of Legislature met by call of the Governor; same day the Legislature passed a bill calling a Convention—delegates to be elected on the 15th of May, 1861. May 2d, Legislature adjourned. May 13th, delegates elected to Convention. May 20th, Convention met at Raleigh. May 21st, passed Ordinance of Secession; also ratified Confederate Constitution. June 5th, Ordinance passed transferring all the property belonging to the United States, within the State, to the Confederate Government.

Tennessee.—January 6th, 1861, Legislature met. January 12th, Convention bill passed. January 30th,

appointed Commissioners to Washington. February 8th, people voted in favor of a Convention. May 1st, Legislature passed resolutions authorizing the entering into a military league with the Confederate States. May 7th, the Legislature, in secret session, declared that until Tennessee became one of the members of the Confederate States she would place her whole military force at the disposal of the President of the Confederate States, and turn over to the Confederate Government all the military stores, public and private property of the United States in the State; passed, also, an Ordinance of Secession, and an Ordinance ratifying and adopting the Confederate Constitution. The two latter were to be voted on June 8th. On June 14th, the Governor declared the vote of the people to be for Secession, 104,019; against it, 47,238. Tennessee was declared out of the Union.

Virginia.—January 7th, 1861, Legislature met. January 8th, anti-coercion resolutions passed. January 10th, Governor sends to the Legislature a dispatch from the Mississippi Convention announcing the unconditional secession of that State. January 16th, Commissioners from Alabama received. January 17th, passed resolutions requesting the United States Government to avoid a collision with the Southern States. January 18th, $1,000,000 appropriated for the defense of the State. January 19th, passed resolutions advisory of Virginia uniting her destinies with her sister Slaveholding States. April 9th, Convention recognized the independence of the Southern Confederacy. April 17th, in secret session, passed Ordinance of Secession.

On the 4th of February, 1861, the delegates from the seceded States assembled at Montgomery, Alabama, to form a "New Nation."

The organization of the Confederacy was effected February 8th, 1861. On that day the Congress adopted the Constitution of the United States, with such alterations as suited their views. This Constitution was to last one year. The word "Confederacy" was substituted for the word "Union." The President was to hold his office for one year. The Congress could, by a two-third vote, alter or amend the Constitution. All legislative powers were delegated to Congress. On the following day, after the adoption of the Provisional Constitution, R. W. Walker was sworn in as President of Congress. He, in turn, swore in the members to support the Constitution and the Confederacy. The members went into a secret session, after which the doors were thrown open, when the members proceeded to elect, by ballot, a President and Vice-President for the Confederacy for one year. The vote was taken by States, each State having one vote. On the first ballot Jefferson Davis, of Mississippi, received six votes, the whole number cast. Alexander H. Stephens, of Georgia, received the same vote for Vice-President. Davis was declared *President*, and Stephens *Vice-President*, of the Confederacy. The announcement of the election was the cause of unbounded joy, and the President and Vice-President of the "Confederated States of North America" received the homage of their subjects from that time forward until the unlucky day, to them, of the 2d of April, 1865, when Ulysses S. Grant put an extinguisher upon the "Government at Richmond."

On February 18th, 1861, Davis was inaugurated President, and Alexander H. Stephens Vice-President of the Southern Confederacy. The Cabinet of the Provisional Government was as follows: Robert

Toombs, Secretary of State; C. G. Memminger, Secretary of the Treasury; L. P. Walker, Secretary of War; Stephen R. Mallory, Secretary of the Navy; Judah P. Benjamin, Attorney-General; John H. Reagan, Postmaster-General.

An election for President and Vice-President of the Confederacy was held November 6th, 1861, under the "*permanent Constitution.*" Jefferson Davis was elected President, and Alexander H. Stephens Vice-President, each for the term of six years. There were no opposing candidates at this election. The States participating in it were as follows, with the following votes in the Electoral College: Alabama, 11; Arkansas, 6; Florida, 4; Georgia, 12; Louisiana, 8; Mississippi, 9; North Carolina, 12; South Carolina, 8; Tennessee, 13; Texas, 8; Virginia, 18—total, 109. They were inaugurated February 22d, 1862.

The following was the "permanent" Administration from February 22d, 1862, to April 2d, 1865: President, *Jefferson Davis*, of Mississippi; Vice-President, *Alexander H. Stephens*, of Georgia.

The Cabinet, confirmed March 23d, 1862, was as follows: Secretary of State, *Judah P. Benjamin*, of Louisiana; Secretary of the Treasury, Charles G. Memminger, of South Carolina—resigned in June, 1864, and was succeeded by George A. Trenholm, of South Carolina; Secretary of War, Geo. W. Randolph, of Virginia—resigned, and was succeeded by *James A. Seddon*, of Virginia; Secretary of the Navy, *Stephen R. Mallory*, of Florida; Attorney-General, Thomas H. Watts, of Alabama—resigned on election as Governor of Alabama, in November, 1863, and was succeeded by George Davis, of North Carolina; Postmaster-General, *John H. Reagan*, of Texas. (Those names italicized

were formerly members of the Congress of the United States. For Confederate Constitution, see Appendix.)

At the date of the commencement of the Secession movements, there were four other Slave States—Missouri, Maryland, Delaware and Kentucky — fifteen Slave States in all. But these four, through a strong attachment for the old Union, and the fact that they were all bordering on the Free States, did not pass any Ordinance of Secession. Their people were much divided, and they supplied each army, Union and Rebel, with soldiers.

It will be borne in mind that proceedings were taken by every one of the eleven seceded States to place themselves out of the Union many months before Mr. Lincoln's term of office began. In the first stage of the Secession Ordinance the National Congress was not in session.

The second session of the 36th Congress convened at Washington, December 3d, 1860. John C. Breckinridge, Vice-President, and the defeated candidate of one wing of the Democracy for the Presidency in the preceding month, was President of the Senate, and Mr. Jefferson Davis, ex-President of the late Southern Confederacy, was in the Senate from Mississippi.

The Democratic members of the Senate and Congress came to the Capital sadly depressed. They seemed to be conscious of their impending doom. There were yet four months for them to hold possession of the reins of Government; for at the end of that time, Lincoln, at the head of the new party in power, would take charge of the Executive Department, and with the withdrawal of the Senators and Congressmen of the eleven seceded States, the Republicans would have complete control of the legislative branch—in fact of

every department of the Government. Democracy was at a sad discount in Northern latitudes, and those of the Cotton States sighed to join their brethren down in the "New Nation." They were in a strange land—upon foreign soil. They were in the United States of America, while they (many of them) had declared themselves citizens of the Confederacy, and owing no allegiance to the United States Government.

Buchanan came into the Executive chair with the tremor of palsy upon him. Seventy winters had bleached him white for the sepulchre; imbecility and duplicity had adorned him, and chosen him as a fit instrument to consign to the tomb the gaunt spectre of the slave power that still haunted the Capitol. His message (the last he issued) was looked for with deep interest by the people North and South, and by the whole civilized world; for upon its tone and the position taken by the Executive, at this critical juncture of National affairs, seemed to rest the future destiny of the American Republic. It came, and it did ample justice to its author, and his friends and advisers of the Slave States. It was the reflex of the sentiments of the political leaders of the seceded States, and it was the crowning act of his life, to consign him to eternal oblivion and desecration by the free millions of the nation, who now saw this old man, with the political sins and heresies of three-quarters of a century fresh blown upon him, struggling to drag into the grave with him the constitutional liberty of a nation.

The statesmen and patriots of the whole land were shocked at the doctrines set forth in this monument of Democratic statesmanship. The whole of Europe was astounded, and English statesmen, jurists, and writers, condemned in severe terms the outrage he had com-

mitted upon the American people. Some extracts from the message are given here. It was delivered at the Capitol, at Washington, on Tuesday, December 4th, 1860. Mr. Buchanan alluded to the distracted condition of the country, and appealed to the American people. He declared that the election of any one of our fellow citizens to the office of President does not of *itself* afford just cause for dissolving the Union.

In his message he said:

"The question, fairly stated, is: Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw, or has actually withdrawn, from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and to make war against a State. After much serious reflection, I have arrived at the conclusion that no such power has been delegated to Congress, nor to any other department of the Federal Government. It is manifest, upon an inspection of the Constitution, that this is not among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not necessary and proper for carrying into execution any one of these powers. * * * * But, if we possessed this power, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not only present the most effectual means of destroying it, but would banish all hope of its peaceable reconstruction. Besides, in the fraternal conflict a vast amount of blood and treasure would be expended, rendering future reconciliation between the States impossible. In the meantime, who can foretell what would be the sufferings and privations of the people during its existence?

"The fact is, that our Union rests upon public opinion, and can never be cemented by the blood of its citizens shed in civil war. If it cannot live in the affections of the people, it must one day perish. Congress possesses many means of preserving it by conciliation, but the sword was not placed in their hand to preserve it by force."

In this message, President Buchanan announced to

the world that in the American Union no element of self-preservation existed; that what was known at home, and regarded abroad, as the *American Nation*, was but a confederate body of States or separate Governments, each distinct in its political organization, practices and interests; that the tenure of their Union depended upon the pleasure, interest or caprice of the several sections, and that no power existed in the General Government to hold together by coercive means any portion of the Nation that had seceded, or was attempting to withdraw from the Union. In this proclamation, if his position be true, he had, with one dash of his pen, struck from the map of Nations a Republic composed of thirty millions of the most enlightened, prosperous and industrious people on the globe.

The Constitution that the people claimed to hold them together, was but a political delusion, possessing none of the elements of self-preservation; and all the laws, treaties and proclamations passed and adopted in pursuance of it, were delusive and void; and the tenure of the period of the existence of the American Republic was the capricious political views of the several *sections* of the nation.

This had been the favorite doctrine of the leaders of the Slave States, from the adoption of the Constitution; and although leaders and even States of that section had attempted to carry these doctrines into effect, yet the National Government had always disowned and checked such doctrines. But now, with the Slave States passing their Ordinances of Secession, possessing themselves of the Forts, Arsenals, and Custom Houses, Mints, Post Offices, Treasury and all property of the United States Government within their limits—raising armies, and declaring themselves sepa-

rate and foreign nations—one fact seemed to assure the people that even if Buchanan was wrong as to the constitutional power to coerce, that the *practical* part of coercion would be difficult under the circumstances.

But the promulgation of this doctrine was not sufficient to induce American patriots to abandon the Nation that had afforded them liberty and protection; and on its announcement the people of the Free States proclaimed against it. The minds of the people were set to thinking: How long will the American Nation last? How many States must leave the Union to dissolve the Nation? If several States confederate into separate foreign Nations, may they not soon be superior to the remnant of the remaining States, proscribe and overpower them? Or if the States drop off one after another until but two or three remain, and finally every State forming the Union separate itself *from* the Union, and but *one State* remain, will that be the United States of America?—and even the Government of the last one become monarchical, where will the United States be? Where will the old flag hang? Where will the laws of the United States be? Where the Constitutions and treaties with Foreign Nations? "Who will I be?" asked the American citizen-patriot. "To whom will I owe allegiance? Where will be my protection? Where the history of my country, the traditions of my forefathers, the monuments erected to the memory of the heroes of my country; where, oh! where are all these things to be? *I no longer an American?*" The patriot heart swelled; tears, whose fountains had been dried for years, coursed down the cheeks of brave young men, and lingered in the furrows, made by time, upon the pale face of aged patriots as they contemplated the dissolution of their country.

On the 20th of November, 1860, Jeremiah S. Black, Buchanan's Attorney-General, in response to the request of the President, submitted a written opinion upon the subject of the powers of the General Government to "coerce Sovereign States."

The following extracts will give an idea of the legal knowledge and patriotism of the last of the Democratic Attorney-Generals:

"ATTORNEY-GENERAL'S OFFICE, November 20th, 1860.

"Sir: I have had the honor to receive your note of the 17th, and I now reply to the grave questions therein propounded, as fully as the time allowed me will permit. * * Military force can suppress only such combinations as are found directly opposing the laws and obstructing the execution thereof. It can do no more than what might and ought to be done by a civil posse, if a civil posse could be raised large enough to meet the same opposition. On such occasions especially the military power must be kept in strict subordination to the civil authority, since it is only in aid of the latter that the former can work at all.

"But what if the feeling in any State against the United States should become so universal that the Federal officers themselves, (including Judges, District Attorneys, and Marshals,) would be reached by the same influences, and resign their places? Of course the first step would be to appoint others in their stead, if others could be got to serve. But, in such an event, it is more than probable that great difficulty would be found in filling the offices. We can easily conceive how it might become altogether impossible. We are therefore obliged to consider what can be done in case we have no Courts to issue judicial process, and no ministerial officers to execute it. In that event troops would certainly be out of place, and their use wholly illegal. If they are sent to aid the Courts and Marshals, there must be Courts and Marshals to be aided. Without the exercise of those functions, which belong exclusively to the civil service, the laws cannot be executed in any event, no matter what may be the physical strength which the Government has at its command. Under such circumstances, to send a military force into any State, with orders to act against the people, would be simply making war upon them.

"The existing laws put and keep the Federal Government strictly on the defensive. You can use force only to repel an assault on the public property, and aid the Courts in the performance of their duty. If the means given you to collect the revenue and execute the other laws be insufficient for that purpose, Congress may extend and make them more effectual to that end.

"If one of the States should declare her independence, your action cannot depend upon the rightfulness of the cause upon which such declaration is based. Whether the retirement of a State from the Union be the exercise of a right reserved in the Constitution or a revolutionary movement, it is certain that you have not in either case the authority to recognize her independence or to absolve her from her Federal obligations. Congress, or the other States in Convention assembled, must take such measures as may be necessary and proper. In such an event, I see no course for you but to go straight onward in the path you have hitherto trodden—that is, execute the laws to the extent of the defensive means placed in your hands, and act generally upon the assumption that the present constitutional relations between the States and the Federal Government continue to exist until a new order of things shall be established, either by law or force.

"Whether Congress has the constitutional power to make war against one or more States, and require the Executive of the Federal Government to carry it on by means of force to be drawn from other States, is a question for Congress itself to consider. It must be admitted that no such power is expressly given; nor are there any words in the Constitution which imply it. Among the powers enumerated in Article I, section 8, is that 'to declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water.' This certainly means nothing more than the power to commence and carry on hostilities against the foreign enemies of the Nation. Another clause in the same section gives Congress the power 'to provide for calling forth the militia,' and to use them within the limits of the State. But this power is so restricted by the words which immediately follow, that it can be exercised only for one of the following purposes: 1. To execute the laws of the Union —that is, to aid the Federal officers in the performance of their regular duties. 2. To suppress insurrections against the States.

But this power is confined by Article IV, section 4, to cases in which the State herself shall apply for assistance against her own people. 3. To repel the invasion of a State by enemies who come from abroad to assail her in her own territory. All these provisions are made to protect the States, not to authorize an attack by one part of the country upon another; to preserve their peace, and not to plunge them into civil war. Our forefathers do not seem to have thought that war was calculated 'to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.' There was undoubtedly a strong and universal conviction among the men who framed and ratified the Constitution, that military force would not only be useless but pernicious as a means of holding the States together.

"If it be true that war cannot be declared, nor a system of general hostilities carried on by the Central Government against a State, then it seems to follow that an attempt to do so would be *ipso facto* an expulsion of such State from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly. And if Congress shall break up the present Union by unconstitutionally putting strife and enmity, and armed hostility, between different sections of the country, instead of the 'domestic tranquillity' which the Constitution was meant to insure, will not all the States be absolved from their Federal obligations? Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?

The right of the General Government to preserve itself in its whole constitutional vigor by repelling a direct and positive aggression upon its property or its officers, cannot be denied. But this is a totally different thing from an offensive war to punish the people for the political misdeeds of their State Governments, or to prevent a threatened violation of the Constitution, or to enforce an acknowledgment that the Government of the United States is supreme. The States are colleagues of one another, and if some of them shall conquer the rest and hold them as subjugated provinces, it would totally destroy the whole theory upon which they are now connected.

"If this view of the subject be as correct as I think it is, then the Union must utterly perish at the moment when Congress

shall arm one part of the people against another for any purpose beyond that of merely protecting the General Government in the exercise of its proper constitutional functions.

"I am, very respectfully, yours, etc.,

"J. S. BLACK.

"To the President of the United States."

On the announcement of this doctrine, the Nations of Europe began to speculate upon the subject of American nationality and diplomacy. What is the United States of America? If one-half of the Nation has separated since we entered into treaties, which half is to be responsible to us? Are the ministers, consuls, and other agents who came to our Courts from the American Republic one year ago, still the representatives of America? Is the so-called great Nation of the United States of America but a myth? If the elements of disintegration be a constituent part of her very existence, and dissolution of her parts follow the proclamation of her President, that there is no power in the Union to preserve its nationality; and if this be the theory and philosophy of Republicanism, then the doctrine of Republicanism is exploded, and the American Nation has no permanent abiding place in the family of nations.

The light in which the calm judgment of British statesmen viewed the proclamation of Buchanan, may be somewhat understood from the tone of the leading English newspapers. The "London Times," the ablest political journal in Europe, commenting upon the proclamation, on January 9th, 1861, makes the following able comments:

"*Never for many years can the United States be to the world what they have been.* Mr. Buchanan's message has been a greater blow to the American people than all the rants of the Georgian Governor or the ordinances of the Charleston Convention. The

President has dissipated the idea that the States which elected him constitute one people. We had thought that the Federation was of the nature of a nationality; we find it nothing more than a partnership. If any State may, on grounds satisfactory to a local convention, dissolve the union between itself and its fellows; if discontent with the election of a President, or the passing of an obnoxious law by another State; or, it may be, a restrictive tariff, gives a State the 'right of revolution,' and permits it to withdraw itself from the community, *then the position of the American people with respect to foreign powers is completely altered.* It is strange that a race whose patriotic captiousness when in the society of Europeans is so remarkable, should be so ready to divide and to give up the ties of fellow citizenship for a cause which strangers are unable to appreciate. Still stranger is it that a chief magistrate, who would have plunged the world in war rather than a suspicious craft should be boarded by English officers after it had displayed the Stars and Stripes, or would have done battle against despots for any naturalized refugee from Continental Europe, should, without scruple, and against the advice of his own Secretary of State, declare the Federal Union dissolved whenever a refractory State chooses to secede.

"It may well be imagined that the American people have been taken by surprise, both by the suddenness and violence of the outcry for secession, and by the ready concessions of the President. From the day the message appeared, it was evident that South Carolina no longer formed part of the Union. The State had, by every organ which it possessed—by its Senators, its Representatives, by the voice of the Press, of the great slave-owners, and of the multitude—declared its resolution to secede. Only courage like that of General Jackson, could have quelled the "Gamecock State," as we perceive some of its admirers call it. But there was a middle path between civil war and such an instant recognition as Mr. Buchanan thought advisable. As one charged with the duty of upholding Federal power, he might have easily used the authority vested in him to delay the movement, and give the Union and South Carolina itself time for reflection. Mr. Cass would, probably, deprecate holding a State by force; but he still declined to remain in the Cabinet of the Statesman who would not reinforce Fort Sumter, and assert, during the short remainder of his term of office, the supremacy of the Constitution. But as things went, the action of South Carolina was predetermined.

"On the 20th of December, that State seceded from the Union by a unanimous vote, and by this time has probably gained possession of all the Federal property within its borders, and established a Post Office and Custom House of its own. The instruments which the Carolinians drew up on this occasion are singular and almost amusing. The philosophy and phraseology of the Declaration of Independence of 1776 are imitated. Whole paragraphs are copied from that famous document. The thoughts and style of Jefferson were evidently influenced by the great writers of his age, and we may trace Montesquieu and Rousseau in every line of his composition. It is rather interesting to see his language, which denounced King George's violation of the social compact, used by a conclave of frantic negro-drivers to stigmatize the conduct of those who will not allow a Southern gentleman to bring his 'body servant' into their territory. South Carolina, however, has shown wisdom in thus taking high ground. People are generally taken at the value which they set on themselves, and Carolina does right to play the part of outraged patience and indignant virtue. She has declared, in the language of the Fathers of the Republic, that the Federal Union no longer answers the ends of its foundation by insuring the happiness and prosperity of South Carolina, and that the conduct of several States having been a violation of the compact made by all, South Carolina resumes her rights as a sovereign community, and will make war or peace, conclude treaties, or establish commerce, independently of the Government at Washington.

"This bold course has its natural effect on the excitable slave-owners. The secession of South Carolina has been received everywhere with enthusiasm. It may, perhaps, be said that the other States have feigned an approbation which they do not feel, in order to bring the North to terms by the menace of a Southern Republic. But, whether from feeling or policy, the Secession cry was just at its loudest at the close of the year. It was looked upon as certain that six or seven States would separate from the Union in the first days of 1861. Georgia leads the van. The Ordinance of Secession was looked upon as already passed. The North Carolina Legislature had read a second time the bill for arming the State. Alabama had voted, by a large majority, in favor of Secession. In Virginia—the oldest, the most conservative, and the most cautious of the Slave States

—we are told that the Secession feeling was gaining ground. State Conventions are to meet in Florida on the 3d of January, in Alabama on the 7th, in Texas on the 8th, in Georgia on the 6th, and in Louisiana on the 23d; and our correspondent believes that 'there will be a majority in each of them in favor of immediate and separate Secession.' Hence, in a few days more, the United States of America, as the world has hitherto known them, will cease to exist.

"But now comes the most singular part of this history. Till within a few weeks hardly anybody in this country believed in the dissolution of the Union. People thought that instincts of patriotism and private interest would prevail, and that the Yankees and the Southerners would quarrel harmoniously for many years to come. The event seems to be against these anticipations, and Englishmen are content to look on in silence and wonder. Not so the Americans. While every mail is bringing news of fiery speeches and the planting of palmetto trees, the almost universal tone of private letters is that there is nothing in it at all. South Carolina cannot secede, or if she does she must come back again. The other States only want to make terms and to come back into the Union after having extorted new concessions as the price of reconciliation. The wish may be father to the thought, but that such is the thought is to be learned from the most cursory glance at the American newspapers. The course of proceeding is to be as follows: South Carolina, Alabama, Mississippi, Florida, Texas, perhaps Louisiana, are to separate, form a federation of their own, and then treat on equal terms with those who remain faithful to Mr. Lincoln. The Northern Slave States, with Virginia and North Carolina at their head, are to act as mediators, and enforce concessions by the threat of joining the Southern league, which would then number fifteen Slave States, with a vast territory, and a prospect of conquering all the riches of Mexico. The President, it is whispered, is in favor of compromise; Governor Seward is in favor of compromise; in short, now that the loss of Southern wealth threatens them, great numbers of the staunchest Anti-Slavery men are in favor of compromise. What the terms of compromise shall be of course remains in doubt. The hope of the Democratic party in the North is that the slaveholders will not be too exacting, or insist on the repeal of the personal liberty acts, by which some of the Abolition States have nullified

the Fugitive Slave Act. Many of the Republicans are anxious to revive the Missouri Compromise, by which Slavery will be prohibited in any part of the United States territory north of 36 degrees 30 minutes. But as the abolition of this Compromise and the assertion of the slave-owner's right to carry negroes into any part of the territory is a recent and very great victory, it is hardly likely that the South will concede this.

"No one in this country can pretend to judge of the event; but this we may conclude from the tone of American discussion, that the North will not be too rigid, and that the slave-owners will receive what all but the most rabid of them will consider satisfaction. Gov. Seward, who first spoke of the 'irrepressible conflict' which was impending, now prophesies peace and harmony at no distant day, while many of his most intimate friends have given their adhesion to the scheme of compromise brought forward by Mr. Crittenden. But whatever may be the final result, we may expect to hear shortly that other States have followed the example set by South Carolina."

# CHAPTER XV.

MEETING OF THIRTY-SIXTH CONGRESS.—SECOND SESSION, DECEMBER 3D, 1860. —CLOSING SCENES OF BUCHANAN'S ADMINISTRATION.—SOUTHERN SENATORS AND REPRESENTATIVES.—ORGANIZATION OF THE "SOUTHERN CONFEDERACY."—OFFICERS OF.—ALEXANDER H. STEPHENS.—HIS POLITICS.—"CORNER-STONE" AND OTHER SPEECHES.—JEFFERSON DAVIS.—HE DESIRES MORE ARMS SENT SOUTH.

The second session of the Thirty-sixth Congress having met at the Capitol on the 3d day of December, 1860, President Buchanan delivered his last message (already alluded to). Most of the Senators and Representatives from the several States were present. John C. Breckinridge, the lately defeated Democratic candidate for President of the United States, in his official capacity as Vice-President of the United States, presided as President of the Senate. Many of the Senators and Representatives from the Slave States were at the Capital in a double capacity. Some of them had already acted as commissioners and agents in carrying their States out of the Union. South Carolina, as early as the 17th of November, 1860, had passed her Ordinance of Secession, and others, during the month of November, had arranged for Conventions to declare their independence; yet their representatives were at the National Capital, for their term of office had not yet expired, and they deemed it their duty, to themselves and their "Sovereign States," to make the most they could out of the "old concern" that they were deserting; and the scenes of flagrant treason enacted upon the floor of the United States Senate and Congress, by the members from the Slave

States, have never been equaled in the history of civilized nations. But the Executive, deaf as an adder, sat in drowsy apathy, while the Vice-President, Attorney-General, and other Cabinet officers, smiled approvingly upon the scene.

They were at the Capital to announce that their States had left the Union, and to ask the Government at Washington (as they called the United States Government) to relinquish her right to all public property within their States; they were there to ask the United States Government to recognize the Independence of their Sovereign States; they were there to keep their brethren at the South informed, by letter and telegram, of their daily proceedings in destroying the Government they *pretended* to be serving; they were there to combat and choke down every utterance of patriotism in behalf of saving the Union; they were there to possess themselves of the small remnant of arms and Federal munitions of war in the Free States; they were there, as they said, to "bury the old Union and the old flag."

The Democracy were in working majority in both branches of the National Legislature. Jefferson Davis, ex-President of the late Southern Confederacy, was in the Senate from the State of Mississippi. He was a faithful worker for the "cause;" his State wanted a few more rifles, and on the 21st of February, 1861, on presenting a bill to the Senate, so that his men might get possession of any Federal arms still in the Free States, he said:

"I should like the Senate to take up a little bill, which I hope will excite no discussion. [?] It is the bill to authorize the States to purchase arms from the National Armories. There are a number of volunteer companies wanting to purchase arms, but the States have not a sufficient supply. I move to take up the bill."

On March 29th, the bill passed by a strict party vote, all the Democrats voting in the affirmative; Republicans against it.

President Buchanan's Cabinet officers were true to their Democratic record. Almost four years of active labor in their high positions gave them ample facilities for carrying their schemes into practice; and one by one they deserted the old ship of State, leaving at the helm the imbecile, James Buchanan, whose feeble hands and drooping spirits utterly failed to control her; and at the mercy of the winds and faithless crew allowed her to drift well-nigh upon the rugged coast, from whose precipitous walls the faithful agents of the slave power had removed the beacon lights erected by the fathers of the country. One, at least, was found faithful to the Republic. Lewis Cass, Buchanan's Secretary of State, on learning that the President refused to defend the National honor, resigned his office December 12th, 1860. On the 17th, Attorney-General Black was appointed his successor. December 10th, Howell Cobb, Secretary of the Treasury, resigned; his "duty to Georgia" was his reason. On December 12th, Philip F. Thomas was appointed his successor; he held the office for one month, then abandoned the old ship to join his Democratic brethren at the South, as he "didn't believe in laws to enforce the collection of customs at the port of Charleston." January 29th, John B. Floyd, Secretary of War, became displeased because "the President declined to *withdraw* the garrison from the harbor of Charleston." His Secretary of the Interior, Jacob Thompson, also deserted his post, January 8th, 1861; he was "displeased," because "additional troops, he had heard, had been ordered to Charleston." On the 17th of

December, 1860, Jeremiah S. Black resigned as Attorney-General and made his way South to meet his "brethren."

The period from the meeting of the Thirty-sixth Congress, on December 3d, 1860, to its adjournment, April 4th, 1861, was a period of triumph and political activity with the Democracy, both in the Slave States and the National Capital; and scenes of flagrant treason were enacted upon the floor of the National Congress, that in any country of Europe would have consigned the actors to the gallows; but the Executive Department, and, in fact, the *Government itself*—that is, those chosen by the people to administer the affairs of the Nation and see that its laws and Constitution were preserved and enforced, were of a piece with the leaders, and silently acquiesced in their treason.

The hands of the victorious Republican party, who had carried the Presidential election in November, 1860, were completely tied. They were a small minority in the Congress, and were unrepresented in the various departments of the Government at Washington; and although they had carried every one of the eighteen Free States in the Electoral College, except New Jersey (and Lincoln received four out of the seven of her votes), yet they could not stay the scenes of official corruption and perfidy that now desolated the country.

That the reader may have a further knowledge of the manner in which Democratic United States Senators of those times guarded the interests of the Nation, a brief record of the *legislation* of Robert Toombs, Senator from Georgia, is here given:

"MACON, November 14th, 1860.

"To the Honorable L. M. KEITT.—I will sustain South Caro-

lina in Secession. I have announced to the Legislature that I will not serve under Lincoln. If you have the power to act, act at once. We have bright prospects here. R. Toombs."

This note was written eight days after Mr. Lincoln's election.

On the 13th of December a *manifesto*, signed by all the leading Senators and Congressmen from the Slave States at Washington, was forwarded to their constituents, that "the sole and primary aim of each Slave-holding State ought to be its speedy and absolute separation from an *unnatural* and *hostile Union*."

Senator Toombs, on December 24th, telegraphed from his seat in the United States Senate a *manifesto* addressed to the people of Georgia, as follows:

"Fellow citizens of Georgia: I am here to secure your constitutional rights. * * * The Committee is controlled by Black Republicans, your enemies. * * * Secession, by the 4th of March next, should be thundered from the ballot-box by the unanimous voice of Georgia. On the second day of January next such a voice will be your best guarantee for *liberty*, *security*, *tranquillity*, and *glory*."

Among the many individuals who have figured conspicuously in the affairs of the late Rebellion, few have had a more prominent position than Alexander H. Stephens, ex-Vice-President of the late Southern Confederacy; and no man in the American Republic has risen to more public notoriety in the affairs of the Nation, who so little deserves to be ranked with statesmen or philosophers, than this same man, whose doctrines in all things pertaining to public affairs are highly seasoned with the hypocritical cant of the *politician*, and entirely destitute of the essence of *statesmanship*. No man in the country, familiar with Mr. Stephens' long and active life in State and National

politics, will doubt his familiarity with the political history of the Nation. Indeed, his whole life has been one of constant application upon political affairs; and his large knowledge upon these subjects is often construed by his partisan friends, and those who do not examine his political career critically, as a fountain of wisdom and statesmanship, when at best it is but a well stored mass of general knowledge, whose *letter* is understood, but not its *essence*. Indeed, it is difficult to conceive of a mind so well informed upon the history of the events of the Nation and yet so totally ignorant of the *principles* upon which they are founded. Nor are these assertions influenced by any difference of opinion, but are stubborn facts, all of which will be verified from his own mouth. And as I take the liberty to thus comment upon the public record of this champion of Democracy, a place will be given here to some extracts from his speeches upon National questions.

For many years before the Democrats commenced the Rebellion, Alexander H. Stephens was a leading statesman [?] at the South, and had achieved a notoriety through the whole country; and in his State (Georgia) he was looked upon as an oracle of wisdom in all things pertaining to the affairs of the Nation. When dissensions and dangers threatened the peace of the Republic, he was relied upon as the great expounder of the constitutional rights of the people of the Sovereign States (South), and in the discharge of these vast responsibilities, he came before the public with his statesmanship and philosophy which deluded the people into rebellion and caused them to hold fast to the negro. But his positions were not always consistent, nor stable, but the reverse; and form a series of

political *somersaults* as novel and spasmodic as they were inharmonious and ludicrous.

The following is a speech of Alexander H. Stephens, delivered before the Georgia Legislature, November 14th, 1860:

"The first question that presents itself is, shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the Presidency of the United States? My countrymen, *I tell you frankly, candidly and earnestly that I do not think that they ought.* In my judgment the election of no man, constitutionally chosen to that high office, is sufficient cause for any State to separate from the Union. It ought to stand by and aid still in maintaining the Constitution and the country. To make a point of resistance to the Government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong. We are pledged to maintain the Constitution. Many of us have sworn to support it. Can we, therefore, for the mere election of a man to the Presidency, and that, too, in accordance with the prescribed forms of the Constitution, make a point of resistance to the Government without becoming the breakers of that sacred instrument ourselves—withdraw ourselves from it? Would we not be in the wrong? Whatever fate is to befall this country, let it never be laid to the charge of the people of the South, and especially to the people of Georgia, that we were untrue to our national engagements. Let the fault and the wrong rest upon others. If all our hopes are to be blasted, if the Republic is to go down, let us be found to the last moment standing on the deck, with the Constitution of the United States waving over our heads. Let the fanatics of the North break the Constitution, if such is their fell purpose. Let the responsibility be upon them. I shall speak presently more of their acts; but let not the South—let us not be the ones to commit the aggression. We went into this election with this people. The result was different from what we wished; but the election has been constitutionally held. Were we to make a point of resistance to the Government, and go out of the Union on that account, *the record would be made up hereafter against us.*

"But it is said Mr. Lincoln's policy and principles are against the Constitution, and that if he carries them out it will be destructive to our rights. Let us not anticipate a threatened evil.

If he violates the Constitution, then will come our time to act. Do not let us break it because, forsooth, he may. If he does, that is the time for us to strike. I think it would be injudicious and unwise to do this sooner. I do not anticipate that Mr. Lincoln will do anything to jeopardize our safety or security, whatever may be his spirit to do it; for he is bound by the constitutional checks which are thrown around him, which at this time render him powerless to do any great mischief. This shows the wisdom of our system. The President of the United States is no Emperor, no Dictator—he is clothed with no absolute power. He can do nothing unless he is backed by power in Congress. The House of Representatives is largely in the majority against him.

"In the Senate he will also be powerless. There will be a majority of four against him. This, after the loss of Bigler, Fitch, and others, by the unfortunate dissensions of the National Democratic party in their States. Mr. Lincoln cannot appoint an officer without the consent of the Senate. He cannot form a Cabinet without the same consent. He will be in the condition of George III, (the embodyment of Toryism) who had to ask the Whigs to appoint his ministers, and was compelled to receive a Cabinet utterly opposed to his views; and so Mr. Lincoln will be compelled to ask of the Senate to choose for him a Cabinet, if the Democracy of that body choose to put him on such terms. He will be compelled to do this or let the Government stop, if the National Democratic men—for that is their name at the North—the conservative men in the Senate, should so determine. Then how can Mr. Lincoln obtain a Cabinet which would aid him, or allow him to violate the Constitution?

"Why, then, I say, should we disrupt the ties of this Union when his hands are tied—when he can do nothing against us? I have heard it mooted that no man in the State of Georgia, who is true to her interests, could hold office under Mr. Lincoln. But, I ask, who appoints to office? Not the President alone—the Senate has to concur. No man can be appointed without the consent of the Senate. Should any man then refuse to hold office that was given to him by a Democratic Senate? [Mr. Toombs interrupted, and said if the Senate was Democratic, it was for Mr. Breckinridge.]

"Well, then, continued Mr. Stephens, I apprehend no man could be justly considered untrue to the interests of Georgia,

or incur any disgrace, if the interests of Georgia required it, to hold an office which a Breckinridge Senate had given him, even though Mr. Lincoln should be President. * * *

"I will never consent myself, as much as I admire this Union for the glories of the past, or the blessings of the present—as much as it has done for the people of all these States—as much as it has done for civilization—as much as the hopes of the world hang upon it, I would never submit to aggression upon my rights to maintain it longer; and if they cannot be maintained in the Union, standing on the Georgia platform, where I have stood from the time of its adoption, I would be in favor of disrupting every tie which binds the States together. * * *

"The next evil which my friend complained of, was the tariff. Well, let us look at that for a moment. About the time I commenced noticing public matters, this question was agitating the country almost as fearfully as the slave question now is. In 1832, when I was in college, South Carolina was ready to nullify or recede from the Union on this account. And what have we seen? The tariff no longer distracts the public counsels. Reason has triumphed! The present tariff was voted for by Massachusetts and South Carolina. The lion and the lamb lay down together—every man in the Senate and House from Massachusetts and South Carolina, I think, voted for it, as did my honorable friend himself. And if it be true—to use the figure of speech of my honorable friend—that every man in the North that works in iron, and brass and wood, has his muscles strengthened by the protection of the Government, that stimulant was given by his vote, and I believe every other Southern man. So we ought not to complain of that."

Mr. Toombs.—"The tariff assessed the duties."

Mr. Stephens.—"Yes, and Massachusetts with unanimity voted with the South to lessen them, and they were made just as low as Southern men asked them to be, and that is the rate they are now at. * * * * There were many among us in 1850 zealous to go at once out of the Union, to disrupt every tie that binds us together. Now, do you believe, had that policy been carried out at that time, we would have been the same great people we are to-day? It may be that we would, but have you any assurance of that fact? Would you have made the same advancement, improvement, and progress in all that constitutes material wealth and prosperity that we have? * *

"I look upon this country with our institutions as the Eden of the world, the paradise of the universe. It may be that out of it we may become greater and more prosperous, but I am candid and sincere in telling you that I fear if we rashly evince passion, and without sufficient cause shall take that step, that instead of becoming greater or more peaceful, prosperous, and happy—instead of becoming gods, we will become demons, and at no distant day commence cutting one another's throats. This is my apprehension. Let us, therefore, whatever we do, meet those difficulties, great as they are, like wise and sensible men, and consider them in the light of all the consequences which may attend our action. Let us see first clearly where the path of duty leads, and then we may not fear to tread therein. * * I say the same; I said it then; I say it now—if Mr. Lincoln's policy should be carried out. I have told you that I do not think his bare election sufficient cause; but if his policy should be carried out in violation of any of the principles set forth in the Georgia platform, that would be such an act of aggression which ought to be met as therein provided for. If his policy shall be carried out in repealing or modifying the Fugitive Slave Law, so as to weaken its efficacy, Georgia has declared that she will, in the last resort, disrupt the ties of the Union—and I say so too. I stand upon the Georgia platform, and upon every plank, and say, if these aggressions therein provided for take place—I say to you and to the people of Georgia, keep your powder dry, and let your assailants then have lead, if need be. I would wait for an act of aggression. This is my position. * * * * Should Georgia determine to go out of the Union—I speak for one, though my views might not agree with them—whatever the result may be, I shall bow to the will of her people. Their cause is my cause, and their destiny is my destiny; and I trust this will be the ultimate course of all. The greatest curse that can befall a free people is civil war. * * * Thus far it is a noble example, worthy of imitation. The gentleman, Mr. Cobb, said the other night it had proven a failure. A failure in what? In growth? Look at our expanse in national power. Look at our population and increase in all that makes a people great. A failure? Why, we are the admiration of the civilized world, and present the brightest hopes of mankind.

"Some of our public men have failed in their aspirations; that is true, and from that comes a great part of our troubles. * *

"Now, when this Convention assembles, if it shall be called, as I hope it may, I would say in my judgment, without dictation, —for I am conferring with you freely and frankly, and it is thus that I give my views—I should take into consideration all these questions which distract the public mind; should view all the grounds of Secession so far as the election of Mr. Lincoln is concerned, and I have no doubt they would say that the constitutional election of no man is a sufficient cause to break up the Union, but that the State should wait until he at least does some unconstitutional act."

Mr. Toombs.—"Commit some overt act."

Mr. Stephens.—"No, I did not say that. The word overt is a sort of technical term connected with treason, which has come to us from the mother country, and it means an open act of rebellion. I do not see how Mr. Lincoln can do this, unless he should levy war upon us. I do not, therefore, use the word overt. I do not intend to wait for that. But I use the words unconstitutional act, which our people understand much better, and which expresses just what I mean. But as long as he conforms to the Constitution, he should be left to exercise the duties of his office. * * * * In this way, our sister Southern States can be induced to act with us; and I have but little doubt that the States of New York, and Pennsylvania, and Ohio, and the other Western States, will compel their Legislatures to recede from their hostile attitudes if the others do not. Then with these we would go on without New England if she chose to stay out."

[A voice in the Assembly.—"We will kick them out."]

Mr. Stephens.—"I would not kick them out. But if they chose to stay out, they might. I think, moreover, that these Northern States, being principally engaged in manufactures, would find that they had as much interest in the Union under the Constitution as we, and that they would return to their constitutional duty—this would be my hope. If they should not, and if the Middle States and Western States do not join us, we should at least have an undivided South. I am, as you clearly perceive, for maintaining the Union as it is, if possible. I will exhaust every means thus to maintain it with an equality in it. My principles are these:

"First, the maintenance of the honor, the rights, the equality, the security, and the glory of my native State in the Union;

but if these cannot be maintained in the Union, then I am for their maintenance out of it at all hazards. Next to the honor and glory of Georgia, the land of my birth, I hold the honor and glory of our common country. In Savannah I was made to say, by the reporters—who very often make me say things which I never did say—that I was first for the glory of the whole country, and next for that of Georgia.

"*I said the exact reverse of this.* I am proud of her history, of her present standing. I am proud even of her motto, which I would have duly respected at the present time by all her sons—Wisdom, Justice and Moderation. I would have her rights and that of the Southern States maintained now upon these principles. Her position now is just what it was in 1850, with respect to the Southern States. Her platform then has been adopted by most, if not all, the Southern States. Now I would add but one additional plank to that platform, which I have stated, and one which time has shown to be necessary.

"If all this fails, we shall at least have the satisfaction of knowing that we have done our duty and all that patriotism could require."

This remarkable speech, a tissue of irreconcilable generalities, forms a most singular phenomenon in the history of incongruity and sophistry, aided in the utterance by an apparent sincerity, that at first glance insures it attention and respect; but, when probed and viewed in its true light, exhibits the knave and sophist, for Mr. Stephens cannot claim the charity that we would like (for his own sake) to accord to him of not being informed upon the true issues involved in the subject which he was discussing.

The election of no man, constitutionally elected, is cause for the South to secede; and he is pledged to support the Constitution of the United States. If the Republic is to go down, let him go down with it. He will be found to the last moment, holding aloft the old flag, and, with the Constitution in his hands, waving it over his head, he should go down with the old ship

of State. Let the fanatics of the North break the Constitution, he would not; let the responsibility be upon others. Was he to make a point of resistance against the Government and go out, "the record would be made up hereafter against us."

The President of the United States is no Emperor or Dictator; and "until Mr. Lincoln will do some act to violate the Constitution, he will stand by the Union." He did not anticipate that Mr. Lincoln would do any act to violate the Constitution; he will be powerless, for he cannot appoint an officer nor form his Cabinet without the consent of the Senate. He will be compelled to receive a Cabinet utterly opposed to his views; the Democracy in the Senate must choose his Cabinet. "Why then, I say, should we disrupt the ties of this Union, when his hands are tied; when he can do nothing against us?" He would not disrupt the ties of the Union: he "admired the Union for its glorious past." The North had given the South all it asked for. Massachusetts had voted with unanimity to lessen the tariff. He looked upon the American Republic as the Eden of the world—"the *paradise* of the *universe*."

Further along, as will be seen, he says: "If Lincoln's policy shall be carried out in repealing or modifying the Fugitive Slave Law, so as to weaken its efficiency in Georgia, I shall go in to *disrupt the ties of this Union*." The breath, before giving utterance to this treason, was used in lavish praise of the Union. He would stand on the deck of the ship of State to the last. The Republic is declared to be the Eden of the world; and he declares, in exact terms, that he will not *disrupt the Union*. Now how does it follow that ten minutes later in his speech he "will disrupt?" Where is his love of

the "Eden?" How high does he now hold aloft the old flag and the Constitution?

"Should Georgia determine to go out of the *Union*, I speak for one, though my views might not agree with them, whatever the result may be, I shall bow to the will of her people. Their cause is my cause; their destiny my destiny." How does this comport with his first remarks in this speech? Now he takes back all he has said about waiting for the "fanatics of the North to break it." He now retracts all he has said about letting the North commit some act of aggression; about the glory and liberty of the nation. Not as the Union goes will he go now, but as Georgia goes, *right* or *wrong*. If Georgia "determine" to go out of the Union, so he will go. He has lost sight of its being necessary for some "unconstitutional" act to be done; and he says, although his views *might not agree* with this act, yet he will go with his State. Then he will do an act with which his views may not agree; how is this? His convictions and views tell him that he must support the Union to the last; and yet now he is ready to bow to the will of Georgia. "Their cause is my cause; their destiny is my destiny."

*Whatever* cause Georgia espoused, that is his cause; he will follow her (as he did) to commit the most flagrant treason against the Government he has sworn to protect. He will aid her and her people in applying the torch of incendiary rebellion to the magazine that is to explode as a fearful earthquake, and destroy millions of the patriots of the Nation—bring on a cruel, and fratricidal war. He will deluge the whole land in a sea of blood; conscript old and young into the army to destroy the happiness and liberty of the people. He will convert the swamps and fens of the

South into prison pens, in which he will confine those who go forth to save the old flag and the glorious Union about which he has said so much. He will hire and support cruel and blood-thirsty rebels to shoot down these patriots if they cross the "death line." He will aid in starving them until they cry to heaven for a drop of water which he refuses them. He will hold them in horrible pest pens, bare-headed, bare-footed and bare-backed, with a scorching sun beating upon their emaciated frames, until with hunger and disease they die by thousands, or are released when by famine they are emaciated skeletons, beyond the hope of recovery, or wandering maniacs. He will, if Georgia says so, man and equip pirates to prey upon the unoffending commerce of the merchant marine. He will send spies to the Capitol and employ emissaries to poison the aqueducts of cities hundreds of miles from the seat of war. He will put the torch into the hand of the incendiary to fire Northern cities thousands of miles off, because her people are holding up the old flag. He will send scientific physicians to foreign lands to procure the virus of deadly and contagious disease, and infect the wounds of Northern patriots, who lie in hospitals, with the dew of death upon them, caused by wounds and ill-treatment received while fighting to preserve the Union. All this he will do if Georgia says so. Georgia did say so, and did do so; and Stephens went with her. Georgia buried the old flag, and raised a foreign and hostile one; her people rallied round it, and Alexander H. Stephens cheered them on; and at their head, tore the Stars and Stripes down, trampled upon them, and raised in their stead the banner of the Confederacy.

Georgia declared herself out of the Union, allied

herself with a Government declared foreign and hostile to the American Republic, in which a new code of laws were enacted, a new Constitution framed, fleets and armies raised and maintained, ministers sent abroad, and all the functions of a *de facto* Government and belligerent nation maintained. Alexander H. Stephens went with her. He did all those things in the name of Georgia.

He will secure the honor and the glory of his native State; and if this cannot be done *in the Union*, then at *all hazards* they must be maintained "*out* of the Union." He flings back the idea that he loved the Union before and above his State; it is *just the reverse.* He is emphatically "a man without a country," unless he can call the State of Georgia a country.

In this most inconsistent speech, he concludes that the first duty of the citizen is to *his State;* that for his State, and as she may determine, right or wrong, it is the duty of the citizen, patriot or statesman, to go. What an exalted conception this patriot, statesman and philosopher (?) must have of the American Republic. How truly he feels inspired with her history and development. How fully he realizes the spirit that actuated the patriots of the Revolutionary War. How well does he comprehend the principles upon which were engrafted into the Constitution the words: "*We the people of the United States, in order to form a more perfect Union.*" How keenly he felt the glory of the great system of liberty and free institutions that have grown up and prospered under the National Government. With what pride did he look upon the record of the achievements of the National arms; and how his breast swelled with gratitude and pride as he beheld the symbol of the Nation's freedom floating

from the monuments erected to the memory of the Nation's heroes. How he admired the wisdom of the national legislators, and the system of national and international policy established. How well he loved his country; *his* country? He has been but a wanderer, a sojourner in a strange land. The Republic of America has been as much a foreign nation to him, as any of the Governments of Europe. He was not a citizen of the Republic, he was a citizen of *Georgia*. He owed allegiance to his *State first*, and then to America. The laws and treaties of his Nation were co-extensive with the share that his State held in the Southern Confederacy. He never saw the flag of his country, unless he saw the flag of Georgia. He wanders, gazing upon the blue sky for a sign of the symbol of *his* country; the meteor banner of *America* is there, but his eyes sweep over it in vacancy. A rend from which the Palmetto has been torn, shows a faint line that is fast closing, never to behold the shadow of its departed glory. But he looks, and in vain, for the flag of *his* country; but alas the ensign of the "Sovereign State of Georgia" has no place there. He is the man without a country.

On the 17th of January, 1861, the Georgia Convention met, at which they passed an Ordinance of Secession. On the debate upon the resolutions declaring that State out of the Union, Alexander H. Stephens being present, opposed secession, principally upon the ground that there was no cause of complaint on the part of the South. He said:

"This step (of Secession) once taken, can never be recalled; and all the baleful and withering consequences that must follow will rest on the Convention for all coming time. When we and our posterity shall see our lovely South desolated by the demon

of war, *which this act of yours will inevitably invite and call forth;* when our green fields of waving harvest shall be trodden down by the murderous soldiery and fiery car of war sweeping over our land; our temples of justice laid in ashes; all the horrors and desolations of war upon us; *who but the Convention will be held responsible for it?* And who but him who shall have given his vote for this unwise and ill-timed measure, as I honestly think and believe, *shall be held to strict account for this suicidal act by the present generation, and probably cursed and execrated by posterity for all coming time,* for the wide and desolating ruin that will inevitably follow this act you now propose to perpetrate? Pause, I entreat you, and consider for a moment what reasons you can give that will even satisfy yourselves in calmer moments —what reasons you can give to your fellow sufferers in the calamity it will bring upon us. *What reasons can you give the nations of the earth to justify it?* They will be the calm and deliberate judges in the case; and what cause, or one overt act, can you name or point, on which to rest the plea of justification? *What right has the North assailed?* What interest of the South has been invaded? What justice has been denied? and what claim, founded in justice and right, has been withheld? Can either of you to-day name one governmental act of wrong, deliberately and purposely done by the Government of Washington, of which the South has a right to complain? I challenge the answer. While, on the other hand, let me show the facts (and believe me, gentlemen, I am not here the advocate of the North, but I am here the friend, the firm friend, and lover of the South and her institutions, and for this reason I speak thus plainly and faithfully for yours, mine and every other man's interest, the words of truth and soberness), of which I wish you to judge, and I will only state facts which are clear and undeniable, and which now stand as records authentic in the history of our country. When we of the South demanded the slave trade, or the importation of Africans for the cultivation of our lands, did they not yield the right for twenty years? When we asked a three-fifths representation in Congress for our slaves, was it not granted? When we asked and demanded the return of any fugitive from justice, or the recovery of those persons owing labor or allegiance, was it not incorporated in the Constitution, and again ratified and strengthened by the Fugitive Slave Law of 1850? But do you reply, that in many instances they have violated this

compact and have not been faithful to their engagements? As individual and local communities, they may have done so; but not by the sanction of Government, for that has always been true to Southern interests. Again, gentlemen, look at another act: When we have asked that more territory should be added, that we might spread the institution of Slavery, have they not yielded to our demands in giving us Louisiana, Florida and Texas, out of which four States have been carved, and ample territory for four more to be added in due time, if you by this unwise and impolitic act do not destroy this hope, and, perhaps, by it lose all, and have your last slave wrenched from you by stern military rule, as South America and Mexico were, *or by the vindictive decree of a universal emancipation, which may reasonably be expected to follow?*

"But again, gentlemen, what have we to gain by this proposed change of our relation to the General Government? We have always had the control of it; and can yet, if we remain in it, and are as united as we have been. We have had a majority of the Presidents chosen from the South, as well as the control and management of most of those chosen from the North. We have had sixty years of Southern Presidents to their twenty-four, thus controlling the Executive Department. So of the Judges of the Supreme Court, we have had eighteen from the South and but eleven from the North; although nearly four-fifths of the judicial business has arisen in the Free States, yet a majority of the Court has always been from the South. This we have required so as to guard against any interpretation of the Constitution unfavorable to us. In like manner we have been equally watchful to guard our interests in the legislative branch of Government. In choosing the presiding Presidents (*pro tem.*) of the Senate, we have had twenty-four to their eleven. Speakers of the House, we have had twenty-three and they twelve. While the majority of the Representatives, from their greater population, have always been from the North, yet we have so generally secured the Speaker, because he, to a great extent, shapes and controls the legislation of the country. Nor have we had less control in every other department of the General Government. Attorney-Generals, we have had fourteen, while the North have had but five. Foreign Ministers, we have had eighty-six and they but fifty-four. While three-fourths of the business which demands diplomatic agents abroad is clearly from the Free States,

from their greater commercial interests, yet we have had the principal embassies so as to secure the world-markets for our cotton, tobacco and sugar on the best possible terms. We have had a vast majority of the higher offices of both army and navy, while a larger proportion of the soldiers and sailors were drawn from the North. Equally so of Clerks, Auditors and Controllers filling the Executive Department; the records show for the last fifty years that of the three thousand thus employed, we have had more than two-thirds of the same, while we have but one-third of the white population of the Republic.

"Again, look at another item, and one, be assured, in which we have had a great and vital interest. It is that of revenue, or means of supporting Government. From official documents we learn that a fraction over three-fourths of the revenue collected for the support of the Government has uniformly been raised from the North.

"Pause now while you can, gentlemen, and contemplate carefully and candidly these important items. Look at another necessary branch of Government, and learn from stern statistical facts how matters stand in that department. I mean the mail and Post Office privileges that we now enjoy under the General Government as it has been for years past. The expense for the transportation of the mail in the Free States was, by the report of the Postmaster-General for the year 1860, a little over $13,000,000, while the income was $19,000,000. But in the Slave States the transportation of the mail was $14,716,000, while the revenue from the same was $8,001,026, leaving a deficit of $6,704,974 to be supplied by the North for our accommodation, and without it we must have been entirely cut off from this most essential branch of Government.

"Leaving out of view, for the present, the countless millions of dollars you must expend in a war with the North, with tens of thousands of your sons and brothers slain in battle, and offered up as sacrifices upon the altar of your ambition—and for what, we ask again? Is it for the overthrow of the American Government, established by our common ancestry, cemented and built up by their sweat and blood, and founded on the broad principles of *Right*, *Justice*, and *Humanity?* And, as such, I must declare here, as I have often done before, and which has been repeated by the greatest and wisest of statesmen and patriots in this and other lands, that it is the best and freest Government—

the most equal in its rights, the most just in its decisions, the most lenient in its measures, and the most aspiring in its principles to elevate the race of men that the sun of heaven ever shone upon. Now, for you to attempt to overthrow such a Government as this, under which we have lived for more than three-quarters of a century—in which we have gained our wealth, our standing as a Nation, our domestic safety while the elements of peril are around us, with peace and tranquillity, accompanied with unbounded prosperity and rights unassailed—is the height of *madness*, *folly*, and *wickedness*, to which I can neither lend my sanction nor my vote."

Here Mr. Stephens invokes the people of Georgia not to take the fatal step. He sees their green fields trodden down by the murderous soldiery that must follow this act of Secession. "*Who but this Convention will be held responsible for all these evils*," he says to the Convention—"*shall be held to a strict account for this suicidal act by the present generation, and probably cursed and execrated by posterity for all coming time.*" The present generation are now fulfilling this prophecy, and they do not forget the man who, while he said these things, told the world that as Georgia went so he should go, and who twenty days later accepted the office of Vice-President of the Southern Confederacy. No justification, either to themselves or to the nations of the earth, he says, can be offered for the act of Secession. He "challenges the answer" that the North has ever assailed a single right of the South, and he enters into an elaborate array of historical and statistical facts to show that on the contrary the South has had her own way, and more than her own share of the public spoils and patronage of the Nation. That the North, at great cost and inconvenience, has defrayed the expenses of the South, and permitted them to fill the public offices of the Government far beyond their legal proportion.

The North had gracefully extended the traffic in the slave trade to accommodate the South. The North voted that the South should have a representation in Congress based upon the slave property, and voted to constitute the Federal power a national police for the arrest and return of fugitives from labor; and when the South asked more territory for the spread of Slavery, the North yielded and gave them Louisiana, Florida, and Texas, and territory ample for four more States. The support of the Government in revenue, he concludes, came mainly from the North. The North has supplied the funds to carry the mails to the South. There is no cause of complaint, unless the complaint comes from the North. Yet the man possessed of all this knowledge has assured the world that as the "Sovereign" State of Georgia goes, so will he go. It will cost countless millions of dollars, and the lives of thousands of brave men, offered up as a sacrifice upon the altar of the ambition of the South; and it will overthrow a Government cemented by the sweat and blood of patriots, and founded on *Right*, *Justice*, and *Humanity*. To do this, he says, "is the height of *madness*, *folly*, and *wickedness*, to which I can neither lend my sanction nor my vote." Yet he has told them that if his State says he shall, against his judgment, do all that is proposed to be done by Secession, that he will do it. The State, by its Convention, said that they denied all of Mr. Stephens' positions, passed their Ordinance of Secession, and entered into rebellion and cruel war; and Mr. Stephens joined with them, and is elected Vice-President of the Southern Confederacy on the 9th day of February following, (about twenty days after his speech above,) takes the oath of office, subscribed to a declaration of *grievances* on the part of

the South, and enters upon active war against the United States.

On the 21st day of March, 1861, about one month after Mr. Stephens was elected Vice-President of the Southern Confederacy, being at Savannah, in his own State, he made a speech, from which the following extract is here inserted:

"The new Constitution has put at rest forever all the agitating questions relating to our peculiar institutions—African Slavery as it exists among us—the proper status of the negro in our form of civilization.

"*This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the 'rock upon which the old Union would split.'* He was right. What was conjecture with him, is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands, may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution, were that the enslavement of the African was in violation of the laws of nature—that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was, that somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at the time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly used against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the idea of a Government built upon it, when the 'storm came and the wind blew, it fell.'

"Our new Government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests upon the great truth that the negro is not equal to the white man. That Slavery—subordination to the superior race—is his natural and normal condition. This, our new Government, is the first, in

the history of the world, based upon this great moral and physical truth. This truth has been slow in the process of its development like all other truths in the various departments of science. It has been so even among us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. * * *

"In the conflict thus far, success has been on our side complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our actual fabric is firmly planted; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

"As I have stated, the truth of this principle may be slow in development, as all truths are, and ever have been, in the various branches of science. It was so with the principles announced by Galileo; it was so with Adam Smith and his principles of political economy; it was so with Harvey and his theory of the circulation of the blood. It is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests. It is the first Government ever instituted upon principles of strict conformity to nature and the ordination of Providence in furnishing the materials of human society. Many Governments have been founded upon the principles of certain classes; but the classes thus enslaved were of the same race and in violation of the laws of nature. Our system commits no such violation of nature's laws. The negro, by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper materials—the granite; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it, and by experience we know that it is best, not only for the superior, but for the inferior race that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of His ordi-

nances, or to question them. For His own purposes He has made one race to differ from another, as He has made 'one star to differ from another star in glory.'

"The great objects of humanity are best attained when conformed to His laws and decrees, in the formation of Governments, as well as in all things else. Our Confederacy is founded upon principles in strict conformity with these laws. This stone which was first rejected by the first builders, 'is become the chief stone of the corner' in our new edifice.

"The progress of disintegration in the old Union may be expected to go on with almost absolute certainty. We are now the nucleus of a growing power, which, if we are true to ourselves, our destiny, and high mission, will become the controlling power on this continent. To what extent accessions will go on in the process of time, or where it will end, the future will determine."

The reader will bear in mind that this last speech was made within one month after his speech in the Georgia Convention. This speech is the fairest reflex of the *philosophy* and *prophecy* of the "greatest man of the South." He settles the status of the negro—"Slavery and subordination is his *natural* and *normal condition*." Slavery, he says, is of *Divine origin*, and a Government built upon an opposite theory will fall. Their new Constitution has set the question at rest forever. The new Government is founded upon these great truths; its corner-stone is laid and rests upon the solid foundations that Slavery is the natural condition of the negro, and *their* new Government is the first in the history of the world, "based upon this great physical and *moral* truth." It is wise to condemn all as *fanatics* who hold opposite views from these; and there are still, he says, some people at the North who entertain opposite views, and who cling to those errors. The development of these great *truths* may be slow, but it is so with all great truths. He says that the new Gov-

ernment is the first in the world based upon principles in conformity with Divine Providence. The negro, by the curse against Canaan, is fitted for Slavery. The *Creator* has ordained it. The stone so long rejected by the architects of Nations, says he, "is become the chief stone of the corner in our new edifice."

The American Government is only a thing in name; its foundations are laid upon quicksands; it must fall because its "corner-stone" is not laid upon a foundation in conformity with the laws of *Divine Providence.* He proclaims the philosophical truth that the curse placed on Canaan, or some other cause, makes the negro a slave by nature. Each State will drop off from this unnatural Union, until no trace of the old concern can be found. Hear the language of Stephens, the prophet:

"The progress of disintegration in the old Union, may be expected to go on with almost absolute certainty. We are now the nucleus of a growing power, which if we are true to ourselves, our destiny, and high mission, will become the controlling power of this Continent."

Within the whole range of Democratic philosophy and statesmanship, there is no such happy exposition of the doctrines of that party as is contained in this speech of Mr. Stephens. Close observers of the advocates of domination had divided the honors of the advocacy of the traffic in men, to other names, that have stood prominent in the *cause.* But, looking over the long line of illustrious champions, the Pinckneys, Calhoun, Hayne, Yancey, Davis, Brooks, Hunter, Rhett, Floyd, Toombs, Kiett, and others, their past prestige and glory vanish — the master key-note of Democracy had slumbered, and under the dull manipulations of Southern leaders, had failed to emit the joyous sounds

of supreme perfection, until touched by the scientific finger of the "Vice-President." Other voices had been raised in support of these doctrines—protests, debates, and vindictive aspersion, had for three-quarters of a century distinguished many a Southern gentleman; rough attacks amounting to physical force, had decked the brow of the Southern statesman, and won for him the admiration of his fellow-countrymen. The impassioned eloquence of Calhoun, Hayne, Yancey, and others, had "fired the Southern heart;" but the streams of light now cast upon the subject, the powerful rays of unerring truth, flooded upon the head of the "nigger," by the aid of science, philosophy, and religion, formed a new and luminous page in the great book of *Southern truths*.

What lends such peculiar charms to the doctrines as set forth by this "great man," as enunciated in this speech, is the high office which he graced at the time of their utterance. He was not an itinerant politician seeking the support of his constituents; he was seated in the second highest office of the first Nation established upon the philosophic basis of the subordination of inferior races. He had no incentive of ambition to gratify; already had he received numerous positions of political preferment, and the highest plaudits of every lover of Slavery; his veins were not fired with the untamed and impetuous blood of youth, nor his judgment undisciplined in the school of political science. He had already ascended the meridian of manhood's allotted period, and he had his feet well down the shady declivity, upon whose sides he gathered the laurels of experience, and at whose base reposed the peaceful land of oblivion.

The follies of youth he had lost in the great journey,

whose weary days and nights had left their imprint upon his placid brow; and now, with calm resignation to the decrees of Divinity, he looked forward only to the fulfillment of its laws—the perpetuity of the Government of the State of Georgia—the *interests* of the Southern people, and a Christian definition of Divine law, as applicable to the "nigger."

Let this marvelous speech of the illustrious son of the South, find a place in every catechism and text-book within the limits of the late Confederacy, and be the caudal appendage of every Democratic platform while that party has a name.

# CHAPTER XVI.

PRESIDENT LINCOLN LEAVES SPRINGFIELD FOR WASHINGTON. — JAMES BUCHANAN LEAVES THE EXECUTIVE CHAIR. — REPUBLICAN PARTY ENTER UPON THE ADMINISTRATION OF AFFAIRS. — ATTACK ON SUMTER. — WAR BEGUN. — DEMOCRATS JOIN THE REBELS. — JEFFERSON DAVIS ISSUES A PROCLAMATION. — WAR SPIRIT OF THE FREE STATES. — MASSACHUSETTS SENDS THE FIRST SOLDIERS. — THEY ARE ATTACKED AT BALTIMORE. — THE PRESIDENT CALLS FOR TROOPS.—TERMS OF COMPROMISE.—HORATIO SEYMOUR.—HIS COMPLICITY WITH THE REBELS.—LETTER FROM GEORGE N. SANDERS.—SEEMING SUCCESS OF THE REBELS.—SOUTHERN SPEECHES, RESOLUTIONS AND THE PRESS AGAINST COMPROMISE.—FERNANDO WOOD, MAYOR OF NEW YORK CITY, RECOMMENDS ITS SECESSION.—HE PREDICTS A PACIFIC CONFEDERACY.—POLICY OF THE FEDERAL GOVERNMENT DURING THE FIRST TWO YEARS OF THE WAR.—ANNOUNCEMENT OF EMANCIPATION PROCLAMATION.—EFFECT OF.—EXTRACTS FROM LINCOLN'S MESSAGE OF 1861.—HARMONY OF THE GOVERNMENT.—DEMOCRATS PLOT TO FIRE NORTHERN CITIES.—CONFESSION OF KENNEDY.—CONTAGIOUS DISEASE SPREAD AMONG UNION SOLDIERS.

Abraham Lincoln, the newly elected President, left his home in Springfield, Illinois, on his way to the Capital at Washington, on the 11th of February, 1861. It had been reported that a certain conspiracy to assassinate him was organized (which afterwards proved to be true), and as he approached the Capital he took a different route from the one proposed, and entered the City of Washington in disguise, and before the time he was expected, thus thwarting the plans of his would-be assassins. The greatest preparations ever made for a Presidential inauguration were arranged to welcome Mr. Lincoln; militia companies, numbering several thousand, were in the city.

A little after noon on the 4th of March, 1861, James Buchanan and Abraham Lincoln entered the Senate arm-in-arm, and shortly after Mr. Lincoln read his Inaugural Address, took the necessary oath of office, and

was declared President of the United States, while Mr. Buchanan retired from the highest position in the American Government to be forgotten forever; or, if remembered, only to be execrated by an injured people. As he departed from the halls of the Nation, the past power, influence and corruption of the party he represented took its flight, never to return, unless in a form so helpless and corrupt that it could neither injure nor deceive.

The Republican party, for the first time in the history of the country, were in power, and the Democracy in all the Free States completely overthrown.

The new party came into power surrounded with an ocean of unprecedented difficulties. The fifteen Slave States had not participated in the fall election, or rather had refused to vote for Lincoln, and already a number of them had confederated themselves together and established a hostile Government. They had, in January preceding, levied war against the United States by firing upon the steamship *Star of the West* as she was entering Charleston harbor.

The standard bearer of the new administration entered cheerfully upon his duties. He selected his Cabinet from among the truest patriots and statesmen of the Republic. (See Appendix.) Neither in the platform upon which he was elected nor in his address was there anything that could, by any possibility, be construed to mean an infringement upon the rights of the people of any section. But the leaders of the Slave States had declared that they would not serve under Republican rule.

The second act of aggression by the South was the attack on Fort Sumter. This was made by General Beauregard, on the order of the Secretary of War of the

Confederacy. The fort surrendered April 13th, 1861, after a gallant defense by Major Anderson and his little band.

On the announcement of this wanton attack and flagrant act of rebellion, the whole Free States were in a blaze of excitement; the insult to the Nation must be redressed; the fort must be retaken; the hostile flag must come down. These were the sentiments that animated the people.

Mr. Lincoln, two days after, (April 15th, 1861,) issued a proclamation, declaring that the "laws of the United States have been for some time past, and now are opposed, and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals by law, and to cause the laws to be duly executed," he therefore called out the militia to the number of 75,000, and indicated their first service to be "to repossess the forts, places, and property seized from the Union." At the same time he summoned both houses of Congress to assemble on the 4th of July, 1861. Of the fifteen Slave States, Delaware and Maryland were the only ones that would supply troops—all the others refused; but the whole of the Free States pledged all the men and all the money necessary to put down the Rebellion; and thousands of conservative Democrats rushed into the ranks of the army, and lent their money and influence in aid of the Union. Still a large part of the Democratic element throughout the entire country protested against "coercion." In all the large cities throughout the land soldiers were being raised, public meetings held, and the most intense excitement prevailed.

Jefferson Davis had also issued *his* proclamation, which began with the following: "*Whereas*, Abraham Lincoln, President of the United States, has by proclamation announced the intention of invading the Confederacy with an armed force for the purpose of capturing its fortresses, and thereby subverting its independence, and subjecting the free people thereof to the domination of a foreign power; and whereas, it has become the duty of this Government to repel the threatened invasion and defend the rights and liberties of the people by all means which the laws of nations and usages of civilized warfare place at our disposal," etc. He followed this with a proclamation, calling upon the "good people of the Confederacy" to rally forth and drive back the "invader," and called down the blessing of Divine Providence upon their patriotism. This was dated April 17th, 1861.

The war was now fairly inaugurated, and appeals were made on both sides for volunteers, and each side responded with alacrity. New England was in a blaze of excitement. No such enthusiasm had been known since the days of the battles of Lexington and Bunker Hill. On the same day that the President's proclamation was issued, companies of volunteers began to pour into Boston from adjoining towns and States. Money was freely offered for the support of the families of all those who desired to volunteer, until their return. *How many patriots never did return!* Civil war with all its horrors was preferable to anarchy.

On April 17th, two days after the President's call, Massachusetts volunteers started for the seat of war—some to reinforce Fort Sumter, others to protect the Capital and President. The regiment destined for Washington, on its way through the City of Baltimore,

on the 19th day of April, were attacked by a mob of anti-coercionists, and several of them massacred. This was the first blood shed in the Rebellion, for the firing on the *Star of the West* and Fort Sumter had ended without serious results. This was the anniversary of the battle of Lexington, for on the 19th of April, 1775, the volunteers of Massachusetts had suffered the first loss in blood in the great Revolution that gave us American freedom, and now they had shed the first blood to *save* the Union.

On the news of this most foul and unnatural murder, the State of Massachusetts was thrown into intense excitement. The news spread from point to point with great rapidity; men rushed into the streets from stores and offices in great exasperation; mechanics and working men left their shops, and bare-headed and in shirt sleeves, rushed to seek companions to join them, that they might avenge this outrage.

The State was destitute of arms. Floyd and Buchanan had, during the past year, stripped the armories and sent them to their "Southern brethren." The next day an agent was sent from Boston to England to purchase 25,000 stand of arms, supplied with $250,000. The State shortly after made an order to England for 5,000 English rifles. Troops continued to be raised in all parts of the Free States, not only in New England, but throughout the West. The State of New York came to the rescue of the old flag with an enthusiasm perhaps never witnessed in the history of nations. From the 19th of May to the 12th of July the State had sent into the field 42 regiments of 36,000 men. It would be doing great injustice to make any comparisons between the patriots and soldiers of any section of our country; but it is but justice to say

of the New York volunteers, that their daring exploits and valor have never been surpassed on any battle field. (For full list of soldiers furnished by each State see Appendix.)

On the 3d of May, 1861, the President made a further call for 42,000 men for three years, which was cheerfully responded to. The belligerents were in the field; every Free State in the Union was unanimous upon putting down the Rebellion. The South, meantime, being well armed and prepared for the conflict, seemed to have the odds in her favor; varied success on the field had lent confidence to her leaders and encouragement to her Democratic allies in the North.

The victory of the Confederates over the Union armies at Bull Run, on the 21st of July, 1861, lent new hope and vigor to the rebel armies. On the reception of the news at the South, vigorous preparations were made to push the war into the North. It was no longer a defensive policy, but *aggressive*, and Washington must fall. New York City was to be sacked; the Palmetto flag to hang from the dome of the Capitol at Washington; the cavalry horses of the gallant soldiers of the South were to graze on Boston Common while the master called the roll of his slaves at the foot of Bunker Hill. Such were the proclamations of Southern leaders.

The Peace Democrats, Conservatives and Anti-Coercionists (new names for a certain class of Northern Democrats, aiders and abettors of treason,) were now jubilant. *Peace* was their suit; "peace on any terms" they cried; "stop this cruel war;" "compromise;" have respect for the "feelings" of our Southern brethren. Peace Commissioners and propositions of compromise found new voices to advocate their claims. The press

and leaders of the South denounced all terms of peace; they did not want any further affiliation with the "base North;" the "unholy Union" had been a curse to them. The following samples will illustrate this point.

Jefferson Davis (President) at Montgomery, Alabama, on February 16th, 1861, said:

"The time for compromise has now passed, and the South is determined to maintain her position and make all who oppose her smell Southern powder and feel Southern steel, if coercion is persisted in. * * * * Our separation from the Union is now complete. No compromise, no reconstruction, is now to be entertained."

T. R. R. Cobb, of Georgia, a member of the Southern Congress, speaking of reconstruction at Atlanta, said:

"I am against it now and forever. What have we worked for? Simply a new Constitution? No! We sought to be relieved of the North, because they were fleecing us—giving fishing bounties and otherwise squandering the public treasure and filling their pockets from our labors.

"I would not unite with them if they were to bind themselves in amounts more than they are worth and give me a distress warrant to sell them out. I wish the people of Georgia to say this shall be a Slaveholding Confederacy and nothing else."

The speeches of Alexander H. Stephens, in another chapter, should be read in connection with this.

March 5th, 1861, Mr. Walter Brooks, of Mississippi, quoting Davis and Stephens in the Confederate Congress, said:

"I think I speak their sentiments on this floor; from the information I am daily receiving, I do not believe there is a man in Mississippi who desires a reconstruction of this Government, or who will not fully indorse the sentiments uttered by you, Mr. President, that the separation is perfect, complete and perpetual, and likewise the sentiments of our distinguished President of the Confederate States, when he declared that 'a reconstruction is neither practicable nor desirable.'"

The Rebel Congress, on the 3d of February, 1862, passed the following resolutions:

"WHEREAS, the United States are waging war against the Confederate States, with the avowed purpose of compelling the latter to re-unite with them under the same Constitution and Government; and whereas, the waging of war with such an object is in direct opposition to the sound Republican maxim, that 'all Government rests upon the consent of the governed,' and can only tend to consolidation in the General Government, and the consequent destruction of the rights of the States; and whereas, this result being attained, the two sections can only exist together in the relation of the oppressor and the oppressed, because of the great preponderance of power in the Northern section, coupled with dissimilarity of interests; and whereas, we, the representatives of the people of the Confederate States, in Congress assembled, may be presumed to know the sentiments of said people, having just been elected by them: Therefore, be it

*Resolved*, That this Congress do solemnly declare and publish to the world that it is the unalterable determination of the people of the Confederate States, in humble reliance upon Almighty God, to suffer all the calamities of the most protracted war, but that they will *never*, on any terms, politically affiliate with a people who are guilty of an invasion of their soil and the butchery of their citizens."

Alexander R. Boteler, of Virginia, in a speech about this time, said:

"In regard to the canvass for Congress, I have been studiously silent, as I have a special repugnance to whatever may seem like thrusting myself on the public; but you can say for me that I have consented to become a candidate, which I suppose will be sufficient. In doing so, however, it is but proper that I should say that, having done all that I could, consistent with self-respect, to preserve the Union upon its original basis of constitutional equality, I am equally resolute in my determination to resist all attempts, should any be made, for its restoration; being unalterably opposed to reconstruction, at any time or on any terms. This much is due to the people that I should make known before the election, so that they may be aware of the course I shall pursue if elected."

Horatio Seymour, who was Governor of the State of New York in 1862, and was in hearty sympathy and coöperation with the leaders of the Rebel Democracy North and South; who opposed the law passed by Congress for the drafting of soldiers into the Union Army; who was the nominee for the Presidency of the Rebel Democracy who met at New York on July 4th, 1868; and who was defeated in the election of November 3d following — among other *patriotic* documents written and received by him — received on December 24th, 1862, from his confidential political agent and friend, George N. Sanders, of Kentucky, (also a good Democrat) the following letter:

"Not only do you owe it to yourselves to *repudiate every dollar* of this unconstitutional debt, but you owe it equally to your posterity to *pay the half, if not all the debt the people of the South have had to incur* to maintain the rights of citizens and of States in the establishment of free trade. * * * Let heart and brain into the revolution; accelerate and direct the movement; get rid of the baboon, (or what is it?) Abraham Lincoln, pacifically if you can, but by the blood of his followers if necessary. Withdraw your support, material and moral, from the invading armies, and the South will make quick work with the Abolitionists that remain on her soil. Suffer no degenerate son of the South, upon however plausible a pretext, to idly embarrass your action by throwing into your way *rotten planks of reconstruction. Unity is no longer possible.* The very word Union, once so dear, has been made the cover of so many atrocious acts, that the mere mention of it is *odious in the ears of Southern people.* The State Legislatures will be called upon to obliterate the hated name from counties and towns."

Seymour seemed not to have forgotten the contents of this letter when framing the clause in the National Democratic platform repudiating the National debt.

The Democrats North and South were highly elated in the fall of 1862, upon the seeming success of their

cause, and in 1863 they were jubilant. They had still maintained their military power, and Richmond, their Capital. Civil affairs were undisturbed. The Democrats of the North hailed the proclamation of Abraham Lincoln, abolishing Slavery, as a favored omen in their cause.

The following samples, from leading journals and leading Democrats, are given to show how much they were in favor, at that time, of "restoration."

The Richmond *Dispatch* on the 18th of October, 1862, contained the following:

"Nor, after the sacrifices which the South has suffered at Northern hands, could she ever consent, of her own free will, to live under the same Government with that people.

"The blood of our murdered children would cry from the ground against their fathers if they could ever be guilty of such unnatural and monstrous ingratitude. If the South has given her blood without a murmur to this contest, it is not because she does not value that blood, but because she values freedom more than life or any earthly possession. Precious, more than aught else save her honor, are the jewels she has laid upon the altar of liberty; and never can she consent to shake hands again under one Government with men who have made so many vacant places in Southern households, and whose steel is dripping with the blood of our brethren and children. Henceforth we are two people."

A series of resolutions, passed by the Legislature of North Carolina, on December 2d, 1862, contained the following:

"*Resolved*, That the Confederate States have the means and the will to sustain and perpetuate the Government they have established, and to that end North Carolina is determined to contribute all of her power and resources.

"*Resolved*, That the separation between the Confederate States and the United States is final, and that the people of North Carolina will never consent to reunion at any time or upon any terms."

On the 8th of December, 1862, Governor Letcher, of Virginia, wrote as follows:

"It cannot be that the people of the Confederate States can again entertain a feeling of affection and respect for the Government of the United States. We have, therefore, separated from them; and now let it be understood that the separation is and ought to be final and irrevocable; that Virginia 'will under no circumstances entertain any proposition from any quarter which may have for its object a restoration or reconstruction of the late Union on any terms or conditions whatever.'"

President Davis, in addressing the Mississippi Legislature, on the 26th of December, 1862, as reported in the Jackson *Mississippian*, said:

"He alluded to it, however, as a matter of regret that the best affections of his heart should have been bestowed upon an object so unworthy; that he should have loved so long a Government which was rotten to the core. He had predicted from the beginning a fierce war, though it had assumed more gigantic proportions than he had calculated upon. He had predicted war, not because our right to secede was not an undoubted one and defined in the spirit of that declaration which rests the right to govern upon the consent of the governed, but the wickedness of the North would entail war upon the country.

"The present war, waged against the rights of a free people, was unjust, and the fruit of the evil passions of the North. In the progress of the war those evil passions have been brought out and developed; and so far from reuniting with such a people—a people whose ancestors Cromwell had gathered from the bogs and fens of Ireland and Scotland—a people whose intolerance produced discord and trouble wherever they went; who persecuted Catholics, Episcopalians and every other sect that did not subscribe to their bigoted and contracted notions; who hung witches, and did a thousand other things calculated to make them forever infamous.

"The President was emphatic in his declaration that under no circumstances would he consent to reunion. He drew a glowing picture of the horrors of war and the ravages of the enemy, and while his tears flowed for those who suffered, yet all these would be endured cheerfully before our manhood and our liberties would be surrendered."

In his speech, delivered at Richmond, and reported in the Richmond *Enquirer* of the 7th of January, 1863, Mr. Davis said:

"You have shown yourselves in no respect to be degenerate sons of your fathers. You have fought mighty battles, and your deeds of valor will live among the richest spoils of Time's ample page. It is true you have a cause which binds you together more firmly than your fathers were. They fought to be free from the usurpation of the British crown; but they fought against a manly foe. You fight the offscourings of the earth. [Applause.] * * * They have come to disturb your social organizations on the plea that it is a military necessity. For what are they waging war? They say to preserve the Union. Can they preserve the Union by destroying the social existence of a portion of the South? Do they hope to reconstruct the Union by striking at everything which is dear to men? By showing themselves so utterly disgraced that if the question was proposed to you whether you would combine with hyenas or Yankees, I trust every Virginian would say, give me the hyenas. [Cries of 'good! good!' and applause.]"

The following is from the Richmond *Dispatch* of January 11th, 1863:

"Reconstruction! Can they reconstruct the family circles which they have broken? Can they reconstruct the fortunes which they have scattered? Can they reconstruct the bodies of our dead kindred, which by tens of thousands they have destroyed? When they can do this they can reconstruct the old Union. When they can do this—when they can breathe the breath of life into the pallid faces of our sons and brothers, and restore them once more, living and happy, to our desolate firesides, they may dream of bringing back that Union, whose only principle of cohesion was the mutual love and confidence of its people. * * *

"*We warn the Democrats and conservatives of the North to dismiss from their minds at once the miserable delusion that the South can ever consent to enter again, upon any terms, the old Union. If the North will allow us to write the conditions ourselves, and give us every guarantee we would ask, we would sooner be under the Government of England or France than under a Union with men who*

*have shown that they cannot keep good faith, and are the most barbarous and inhuman, as well as treacherous of mankind.*

"If the reconstructionists want peace, they can easily have it upon the terms on which they could have always had it—letting us alone. We ask neither more nor less. We are making no war on them. We are not invading their territory, nor giving their homes to the flames, their populations to prison and the sword, their women to a fate worse than death. Let us alone! That is all we ask. Let us alone, and peace will return once more to bless a distracted land! *But do not expect us to degrade ourselves and cast dishonor upon the graves of our kindred by ever returning to the embrace of those whose hands are dripping with the tears and blood of our people.*"

Alexander H. Stephens, as reported in the Richmond *Dispatch* of the 23d of July, 1863, said:

"As for reconstruction, such a thing was impossible—such an idea must not be tolerated for an instant. Reconstruction would not end the war, but would produce a more horrible war than that in which we are now engaged. The only terms on which we can obtain permanent peace is final and complete separation from the North. Rather than submit to anything short of that, let us all resolve to die like men worthy of freedom."

Robert Toombs, a leading Southern man, and member of the "Southern Confederate" Congress, wrote as follows:

"WASHINGTON, Ga., August 17th, 1863.

"*My Dear Sir:* Your letter of the 15th instant, asking my authority to contradict the report that 'I am in favor of reconstruction,' was received this evening. I can conceive of no extremity to which my country could be reduced in which I would for a single moment entertain any proposition for any union with the North on any terms whatever. When all else is lost, I prefer to unite with the thousands of our own countrymen who have found honorable deaths, if not graves, on the battle field. Use this letter as you please.

"Very truly, your friend, etc.,

"R. TOOMBS.

"Dr. A. Bees, Americus, Ga."

In 1864, Governor Zebulon B. Vance, of North Carolina, in a speech delivered at Wilksboro, said:

"It is a favorite idea with a great many, that possibly the old order of things could be restored; that our rights under that Constitution could be guaranteed to us, and everything move on peacefully as before the war. My friends, there are a great many desirable things; but the question, not what may be wished, but what may be obtained, is the one reasonable men may consider. It is desirable to have a lovely wife and plenty of pretty children; but every man can't have them. I tell you now, candidly, there is no more possibility of reconstructing the old Union and reinstating things as they were four years ago, than exists for you to gather up the scattered bones of your sons who have fallen in this struggle, from one end of the country to the other, re-clothe them with flesh, fill their veins with the blood they have so generously shed, and their lungs with the same breath with which they breathed out their last prayer for their country's triumph and independence." [Immense applause.]

Abraham Lincoln's Amnesty Proclamation being discussed by the Richmond *Dispatch* of March, 1864, that paper said:

"No one, however, knows better than Abraham Lincoln that any terms he might offer the Southern people, which contemplate their restoration to his bloody and brutal Goverment, would be rejected with scorn and execration. *If, instead of devoting to death our President and military and civil officers, he had proposed to make Jeff. Davis his successor, Lee Commander-in-Chief of the Yankee armies, and our domestic institutions, not only recognized at home, but readopted in the Free States, provided the South would once more enter the Yankee Union, there is not a man, woman or child in the Confederacy who would not spit upon the proposition. We desire no companionship upon any terms with a Nation of robbers and murderers.* The miscreants, whose atrocities in this war have caused the whole civilized world to shudder, must keep henceforth their distance. They shall not be our masters, and we would not have them for our slaves."

The most remarkable feature in the Secession move-

ment, during any period of the rebellion, was the attitude assumed, and the doctrines advocated, by the *quasi*-traitor, Fernando Wood, the Mayor of New York City. It is undeniable that his official position in the great commercial city of New York gave him great power for either good or evil, and that his influence was exerted to the fullest extent to overthrow the Government, none can doubt; and it is but a want of a knowledge of his infamous record that shields his name from an association with those of James Buchanan, John B. Floyd, and Alexander H. Stephens, as the vilest enemy of human liberty. But the *record* is made up against him; and that those who are not familiar with his treasonable history may have it before them, his written Address to the Common Council of New York City, in his official capacity, is here given. Hear the Apostle of Modern Democracy; he discourses with the logic and the prophecy of a Stephens.

The following is Mayor Wood's recommendation of the Secession of New York City, January 6th, 1861:

"*To the Honorable, the Common Council:*

"Gentlemen—We are entering upon the public duties of the year under circumstances as unprecedented as they are gloomy and painful to contemplate. * * *

"It would seem that a dissolution of the Federal Union is inevitable. Having been formed originally on a basis of general and mutual protection, but separate local independence—each State reserving the entire and absolute control of its own domestic affairs—it is evidently impossible to keep them together longer than they deem themselves fairly treated by each other, or longer than the interests, honor and fraternity of the people of the several States are satisfied. Being a Government created by *opinion*, its continuance is dependent upon the continuance of the sentiment which formed it. It cannot be preserved by coercion or held togetber by force. A resort to this last dreadful alternative would of itself not only destroy the Government, but the lives and property of the people.

"If these forebodings shall be realized, and a separation of the States shall occur, momentous considerations will be presented to the corporate authorities of this city. We must provide for the new relations which will necessarily grow out of the new condition of public affairs.

"It will not only be necessary for us to settle the relations which we shall hold to other cities and States, but to establish, if we can, new ones with a portion of our own State. Being a child of the Union, having drawn our sustenance from its bosom, and arisen to our present power and strength through the vigor of our mother, when deprived of her maternal advantages, we must rely upon our own resources, and assume a position predicated upon the new phase which public affairs will present, and upon the inherent strength which our geographical, commercial, political, and financial pre-eminence imparts to us.

"With our aggrieved brethren of the Slave States we have friendly relations and a common sympathy. We have not participated in the warfare upon their constitutional rights or their domestic institutions. While other portions of our State have unfortunately been imbued with the fanatical spirit which actuates a portion of the people of New England, the City of New York has unfalteringly preserved the integrity of its principles in adherence to the compromises of the Constitution and the equal rights of the people of all the States.

"It is, however, folly to disguise the fact that, judging from the past, New York may have more cause of apprehension from the aggressive legislation of our own State than from external dangers. We have already largely suffered from this cause. For the past five years our interests and corporate rights have been repeatedly trampled upon. Being an integral portion of the State, it has been assumed, and in effect tacitly admitted on our part by non-resistance, that all political and governmental power over us rested in the State Legislature. Even the common right of taxing ourselves for our own government has been yielded, and we are not permitted to do so without this authority. * * *

"Thus it will be seen that the political connection between the people of the City and the State has been used by the latter to our injury. The Legislature, in which the present partisan majority has the power, has become the instrument by which we are plundered to enrich their speculators, lobby agents, and

Abolition politicians. Laws are passed, through their malign influence, by which, under forms of legal enactment, our burdens have been increased, our substance eaten out, and our municipal liberties destroyed. Self-government, though guaranteed by the State Constitution, and left to every other county and city, has been taken from us by this foreign power, whose dependents have been sent among us to destroy our liberties by subverting our political system.

"How we shall rid ourselves of this odious and oppressive connection it is not for me to determine. It is certain that a dissolution cannot be peacefully accomplished, except by the consent of the Legislature itself. Whether this can be obtained or not is, in my judgment, doubtful. Deriving so much advantage from its power over the city, it is not probable that a partisan majority will consent to a separation. * * Much, no doubt, can be said in favor of the justice and policy of a separation. It may be said that secession or revolution in any of the United States would be subversive of all Federal authority, and so far as the Central Government is concerned, the resolving of the community into its original elements—that, if part of the States form new combinations and Governments, other States may do the same. California, and her sisters of the Pacific, will no doubt set up an independent Republic, and husband their own rich mineral resources. The Western States, equally rich in cereals and other agricultural products, will probably do the same. Then it may be said, why should not New York City, instead of supporting by her contributions in revenue two-thirds of the expenses of the United States, become also equally independent? As a free city, with but nominal duty on imports, her local government could be supported without taxation upon her people. Thus we could live free from taxes, and have cheap goods nearly duty free. In this she would have the whole and united support of the United States, as well as all the other States to whose interests and rights under the Constitution she has always been true.

"It is well for individuals or communities to look every danger square in the face, and to meet it calmly and bravely. As dreadful as the severing of the bonds that have hitherto united the States has been in contemplation, it is now apparently a stern and inevitable fact. We have now to meet it with all the consequences, whatever they may be. If the confederacy is broken

up the Government is dissolved, and it behooves every distinct community, as well as every individual, to take care of themselves.

"When Disunion has become a fixed and certain fact, why may not New York disrupt the bands which bind her to a venal and corrupt master—to a people and a party that have plundered her revenues, attempted to ruin her commerce, taken away the power of self-government, and destroyed the confederacy of which she was the proud Empire City? Amid the gloom which the present and prospective condition of things must cast over the country, New York, as a *Free City*, may shed the only light and hope of a future reconstruction of our once blessed confederacy.

"FERNANDO WOOD, Mayor.

"January 6th, 1861."

"Dissolution of the Federal Union is inevitable." The States cannot, he says, remain together longer than they consider themselves fairly treated. It is a Government created by *opinion*, and it is dependent upon the *sentiment* which formed it. "It cannot be preserved by coercion," for this would destroy lives and property. The "Corporate authorities" (Wood at their head) would have momentous considerations to "ponder" upon, and must, as a city, rely upon their "inherent strength," and act "with our aggrieved brethren of the Slave States." The city is unfortunately imbued with a *spirit* such as "actuates a portion of the people of New England;" but New York has been unfalteringly true to the spirit of *Compromise*.

New York has cause for alarm from aggressive legislation from her own State; "she has already largely suffered." The State Legislature has robbed the city to support "Lobby agents and Abolition politicians;" and the "foreign power" has subverted the liberty of the city, and the "momentous" question is: "How shall we rid ourselves of the odious and oppressive

connection?" Of this vile State Government, much, very much, can be said in "favor of the justice and policy of the separation."

"California and her sister States of the Pacific will no doubt set up an independent Republic," and with this glorious prospect before us, and the fact that the Western States, rich in "cereals," will become another separate Republic, why, therefore, should New York longer bear the burden of the unnatural Union? Why not she become independent? The confederacy of the States being broken up, "it behooves every community as well as every individual, to take care of themselves." Let New York City, therefore, "disrupt the bands which bind her to a venal and corrupt master," and in coming ages, amid the gloom and desolation spread over the land, "New York, as a *Free City*, may shed the only light and hope of a *future* reconstruction of our once blessed confederacy."

Mr. Wood has, since the promulgation of this doctrine, been elected to Congress from New York City, and is supposed to be the ablest exponent of the principles of the Modern Democracy in the State of New York; indeed, it is said that he has but one equal in the city, and that is his colleague in the National Congress, the Hon. John Morrissey (pugilist), who sometimes embellishes his *subjects* with *striking* illustrations of physical Democracy.

The light that may be shed from New York City upon the body politic of the American Republic will evidently not be very luminous while the people of that city continue to elect to the National Congress men of the contracted notions and shallow calibre of Fernando Wood. The establishment of a National Bureau of Education, with an army of Federal teach

ers, with compulsory laws, pains and penalties, until Wood's constituents could read and write, would doubtless improve the Tammany Democracy and expand the ideas of the supporters of Morrissey and Wood to a conception of things beyond the purlieus of the Five Points and the corporate limits of New York City.

The war at each progressive step was growing more gigantic; success on either side only inspired the combatants with hope. Much of the dress parade and tinsel show of the first few months had passed away, and each side became inured to dangers and hardships, only to regard them as the necessary part of the duty of a soldier; but when the terrible surge of mighty bodies of belligerent men came together, and the slain were counted by thousands, the Nation became appalled at the magnitude of the conflict.

The great body of the armies upon either side were kept under the military rules of civilized nations; but throughout the whole country secret organizations of the friends of the South were in constant activity. The armies were undergoing constant change; the incompetent or unsuccessful were displaced to give room to those whose chances of success were thought to be more certain. Particularly was this so with the Union army, whose leaders, or head, during the first few years, failed of accomplishing any National victories, and were displaced, only in time to save the Nation from ruin; and hand the armies over to those possessed of more vigor, and of more patriotism.

The policy of the Government during the first two years of the war, was tempered with moderation and "conservatism," to suit the notions of the most fastidious respecting the "feelings" of their brethren at the South. The negro made his appearance about the

armies, and sought escape and refuge among the Union soldiers. But orders from the commanding Generals were to return the "chattel" to his master, for the doctrine was that the war was not one of "subjugation or abolition"--that it was only to retake the Federal property in the rebellious States, and restore the authority of Federal laws.

It was not at first thought expedient to place the "chattel" (negro) upon the contraband list, and he was protected and restored to his master. But as time progressed, and the enemy not only used this species of merchandise for barter, sale, and general usefulness, but employed it in producing the necessaries of sustenance for the army, casting of cannon, shot and shell, building forts, and acting as teamsters, cooks, and general workers about the armies, the fact of their contraband character pressed itself upon the leaders in the field; still the Administration was loth to change its position upon this subject. Finally the true nature of this property was defined as "*contraband*," and as such was subject to capture and confiscation.

During the year 1862, and while the inactivity of the Union armies and the defiant attitude of the rebel armies caused great despondency throughout the Free States, a great pressure was brought to bear upon the Administration at Washington to proclaim emancipation of all slaves coming within the lines of the armies of the Union, or a universal emancipation of all the slaves in the Union. But the Executive answered that without Federal authority in the Slave States, sufficient to enforce such a law, it would be inoperative and but a source of irritation to a certain class both North and South. The agents of the Confederacy abroad made use of this position.

They said to the statesmen of Europe (when they refused to recognize the Confederacy with Slavery in it) that it was not the intention nor the desire of the Government of the United States to interfere with Slavery.

The Administration was aware that Slavery and the slave power must in the future, as in the past, continue to be the great disturbing element of the Nation, and determined that at least in such parts of the country as the Federal armies would have to conquer in order to establish the Federal laws, that unless the people of such places in arms against the Federal authority, should, within a certain specified time, lay down their arms and return to their allegiance, he (the President) would declare all slaves within such limits *free forever*, and to this end the President, on the 22d of September, 1862, issued his proclamation, and in conformity to its terms, did, on the 1st day of January, 1863, issue the following Emancipation Proclamation:

"WHEREAS, On the 22d day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the 1st day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any States or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith

represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.

"Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaim, for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively are this day in rebellion against the United States, the following, to wit:

"Arkansas, Texas, Louisiana, except the parishes of St. Bernard, Plaquemine, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, La Fourche, St. Marie, St. Martin, and Orleans (including the City of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth) and which excepted parts are for the present left precisely as if this proclamation were not issued.

"And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

"And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

"And I further declare and make known that such persons, of suitable condition, will be received into the armed service of

the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

"And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

"In testimony whereof I have hereunto set my name, and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty-
[L.S.] three, and of the Independence of the United States the eighty-seventh.

"ABRAHAM LINCOLN.

"By the President:

"WM. H. SEWARD, Secretary of State."

The announcement of these proclamations had a great effect upon the Nation, and caused a wider breach between the two political parties than any event since the commencement of the war. The "Southern heart" was "fired" with resentment against the "Abolition Crusade," and their armies rallied with renewed vigor to protect the "reserved rights of Sovereign States." It was a bomb-shell in the camp of the Democratic wing of the Federal army, who pronounced the war an "*Abolition raid to place the negro upon an equality with the white man.*" Officers of Democratic proclivities tore off their shoulder-straps, threw up their commissions, left the army, retired to their homes, and joined the ranks of the "peace men" and "anti-coercionists" in opposing enlistments and throwing every obstacle in their power against the Administration. At the State elections in the fall of that year, large Democratic gains were the result, and fears were entertained that at last Mr. Lincoln had made a fatal error, and that a permanent separation of the Slave States and their acknowledgment as an independent nation would be the result.

The great mass of the people of the Free States who had participated in Lincoln's election, and whose ideas of human liberty and Republican Government abhorred the incubus of Slavery and the doctrine of peaceable Secession, rallied with renewed energy. The pulpit, the press and the people proclaimed for this first step towards a permanent peace, and a Nation not merely Republican in name, for in this they saw the beginning of the end of Slavery in America; and, although the proclamation was confined to certain districts, and left Slavery in the Border States and all States and parts of States in which the Federal authority was not resisted on the first day of January, 1863, yet as an advent in the history of progress in National authority over a subject, which of all others had distracted and defied the Government, it received the approbation and support of the entire Republican party, who, despite discouragements attending its announcement, redoubled their efforts in men and money; and from that date forward the power of the Government increased steadily, until the final surrender of the Confederate armies, the restoration of peace, and the adoption of the thirteenth amendment to the Federal Constitution, abolishing Slavery, without reservation or condition, in all the States and Territories within the Republic.

The National legislation, during the years 1861–2, was principally devoted to measures pertaining to the war then raging, and to the support and equipment of the vast army and navy so suddenly called into existence. It made heavy demands upon the treasury, and the depleted condition of finances on the Republicans coming into power was a sad blow to the Government.

The success of the Union army, and the ready sup-

port rendered by the people, was in a great measure due to the wisdom and harmony exhibited by the Executive and Legislative branches of the Government. In legislation pertaining to war measures, Congress was always ahead of the Executive, and the people always ahead of both. Mr. Lincoln's policy, from the first, seemed to be to follow in the footsteps of the people, rather than to lead in measures before the popular mind was prepared to receive them; and to this, in a great measure, must be attributed his popularity and success. Still, while Mr. Lincoln could not be called a leader of the people, he was firm in his position, and his policy in reference to National legislation and the requirements of the times was in full sympathy with the views of the Republican party, and while some of the more radical (so called) declared loudly against his Administration as lacking energy, the mass of the people had unbounded confidence that his *heart* was in the work before him, and that his apparent stoicism was a better guarantee of success than would be a more radical position. He had told the people in the campaign of 1860 that "the country could not live half free and half slave," but for his part he "believed in the perpetuity of the Union." That the reader may better understand the views of the Executive, some extracts are here given from his first Message to Congress, on the 4th of July, 1861. He said:

"It is thus seen that the assault upon and the reduction of Fort Sumter was, in no sense, a matter of self-defense on the part of the assailants. They well knew that the garrison in the fort could, by no possibility, commit aggression upon them. They knew—they were expressly notified—that the giving of bread to the few brave and hungry men of the garrison was all which would on that occasion be attempted, unless they themselves, by resisting so much, should provoke more. They knew that this

Government desired to keep the garrison in the fort, not to assail them, but merely to maintain its visible possession, and thus to preserve the Union from actual and immediate dissolution—trusting, as herein before stated, to time, discussion, and the ballot-box for final adjustment; and they assailed and reduced the fort for precisely the reverse object—to drive out the visible authority of the Federal Union, and thus force it to immediate dissolution. That this was their object, the Executive well understood; and having said to them, in the Inaugural Address: 'You can have no conflict without being yourselves the aggressors,' he took pains not only to keep this declaration good, but also to keep the case so free from the power of ingenious sophistry as that the world should not be able to misunderstand it. By the affair at Fort Sumter with its surrounding circumstances, that point was reached. Then and thereby the assailants of the Government began the conflict of arms, without a gun in sight, or in expectancy, to return their fire, save only the few in the fort sent to that harbor years before for their own protection, and still ready to give that protection in whatever was lawful. In this act, discarding all else, they have forced upon the country the distinct issue—'Immediate dissolution or blood.'

"And this issue embraces more than the fate of these United States. It presents to the whole family of man the question whether a Constitutional Republic or Democracy—a Government of the people by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question whether discontented individuals, too few in numbers to control administration according to organic law in any case, can always upon the pretenses made in this case, or any other pretense, or arbitrarily without any pretense, break up their Government, and thus practically put an end to free government upon the earth. It forces us to ask: 'Is there, in all Republics, this inherent and fatal weakness?'

"Must a Government of necessity be too *strong* for the liberties of its own people, or too *weak* to maintain its own existence?

"So viewing the issue, no choice was left but to call out the war power of the Government, and so to resist force employed for its destruction by force for its preservation. * *

"Again, if one State may secede, so may another; and when all shall have seceded, none is left to pay the debts. Is this quite just to creditors? Did we notify them of this sage view of

ours when we borrowed their money? If we now recognize this doctrine by allowing the seceders to go in peace, it is difficult to see what we can do if others choose to go, or to extort terms upon which they will promise to remain.

"The seceders insist that our Constituion admits of Secession. They have assumed to make a National Constitution of their own, in which, of necessity, they have either *discarded* or *retained* the right of Secession as they insist it exists in ours. If they have discarded it they thereby admit that, on principle, it ought not to be in ours. If they have retained it by their own construction of ours, they show that to be consistent they must secede from one another whenever they shall find it the easiest way of settling their debts, or effecting any other selfish or unjust object. The principle itself is one of disintegration, and upon which no Government can possibly endure.

"If all the States save one should assert the power to *drive* that one out of the Union, it is presumed the whole class of Secession politicians would at once deny the power and denounce the act as the greatest outrage upon State rights. But suppose that precisely the same act, instead of being called 'driving the one out,' should be called 'the seceding of all the others from that one,' it would be exactly what the seceders claim to do, unless, indeed, they make the point that the one, because it is a minority, may rightfully do what the others, because they are a majority, may not rightfully do. These politicians are subtle and profound on the rights of minorities. They are not partial to that power which made the Constitution, and speaks from the preamble, calling itself, 'we, the people.' * * *

"The Constitution provides, and all the States have accepted the provision, that 'the United States shall guarantee to every State in this Union a Republican form of government.' But, if a State may lawfully go out of the Union, having done so, it may also discard the Republican form of government; so that to prevent its going out is an indispensable *means* to the *end* of maintaining the guarantee mentioned; and when an end is lawful and obligatory, the indispensable means to it are also lawful and obligatory.

"It was with the deepest regret that the Executive found the duty of employing the war power in defense of the Government. No compromise by public servants could in this case be a cure. Not that compromises are not often proper, but that no popular

Government can long survive a marked precedent—that those who carry an election can only save the Government from immediate destruction by giving up the main point upon which the people gave the election. The people themselves, and not their servants, can safely reverse their own deliberate decisions."

The years 1861, 1862, and 1863 had passed away, producing vast results in the progress of the war. Incompetent and unsuccessful leaders of the army had given room to those who executed military affairs as if they *meant* to inflict punishment upon the enemy. "Young Napoleon" (George B. McClellan) had lost the tinsel of his dress parade notoriety. The armies were led by the gallant Grant, Sherman, Sheridan, Thomas, and others. Many hard fought battles had told the immensity of the struggle. Leaders of the rebel forces had undergone little change, and those having the command of their armies exhibited a skill and energy worthy of a holier cause.

During all these three eventful years, the Congress and the Executive, working in harmony with the expressed sentiments of the people of the Free States, had managed to regulate the finances of the Nation so that ample funds to carry on the war were attainable.

The able statesmanship of the Secretary of State, W. H. Seward, had steered the Ship of State clear of all foreign entanglements, which for a time seemed to presage serious foreign difficulties. Meantime the Republican party of the North were growing more determined that the flag of their country should float over every fort and foot of soil possessed by the rebels, and the Congress and Executive backed up the sentiment in their urgent appeals to the people to sacrifice all, but never to abandon the hope of subduing the enemy.

The breaking out of the war was the signal for

thousands of Democrats to join the party in power, and to enter the ranks of the Union Army, or at home to aid the cause by all means in their power; but a very large party throughout the Free States, known as "Peace Democrats," "Anti-Coercionists" and "Conservatives," not only did not aid nor sympathize with the war party, but by all means at their disposal offered every opposition in and out of office, to thwart the Administration and the army in the field; indeed the whole Democratic party which did not affiliate with the people in putting down the Rebellion, and they formed the mass of the Democrats North, and all the Democrats South, were active in denouncing the war as an "Abolition Crusade," in opposing the enlistment of soldiers, in calling for Conventions, and declaring the war a "miserable failure;" in writing the most bitter articles against the Administration, appealing to the prejudices and passions of their party—and when a draft was necessary—in openly defying and violating the law.

Throughout the whole North, public meetings were held, at which leading Democrats took the most radical grounds against the war carried on for the Union. Private organizations were instituted, and, in order to accomplish their object, conspiracies were entered into for the destruction of the civil and military officers of the Government. As early as June 12th, 1861, one of their agents had been arrested in the City of Washington for poisoning water and supplying it to Union soldiers. They made agreements among themselves to poison the reservoirs of water for the use of Northern cities, entered into incendiary projects to burn all the cities of the North; and to the close of the war, they carried these fiendish schemes into operation. The plot

for burning New York City, on the 25th of November, 1864, will be somewhat illustrated by the following extract from the confession of Robert Kennedy, made immediately before his execution:

"After my escape from Johnson's Island, I went to Canada, where I met a number of Confederates. They asked me if I was willing to go on an expedition. I replied: 'Yes, if it is in the service of my country.' They said: 'It is all right,' but gave me no intimation of its nature, nor did I ask for any. I was then sent to New York, where I stayed for some time. There were eight men in our party, of whom two fled to Canada. After we had been in New York three weeks, we were told that the object of the expedition was to retaliate on the North for the atrocities in the Shenandoah Valley. It was designed to set fire to the city on the night of the Presidential election; but the phosphorus was not ready, and it was put off until the 25th of November. I was stopping at the Belmont House, but moved into Prince Street. I set fire to four places—Barnum's Museum, Lovejoy's Hotel, Tammany Hotel, and the New England House. The others only started fires where each was lodging, and then ran off. Had they all done as I did, we would have had thirty-two fires, and played a huge joke on the Fire Department. I know that I am to be hung for setting fire to Barnum's Museum, but that was only a joke. I had no idea of doing it. I had been drinking, and went in there with a friend; and, just to scare the people, I emptied a bottle of phosphorus on the floor. We knew it wouldn't set fire to the wood, for we had tried it before, and at one time had concluded to give the whole thing up.

"There was no fiendishness about it. After setting fire to my four places, I walked the streets all night, and went to the Exchange Hotel early in the morning. We all met there that morning and the next night. My friend and I had rooms there, but we sat in the office nearly all the time, reading the papers, while we were watched by the detectives, of whom the hotel was full. I expected to die then, and if I had, it would have been all right; but now it seems rather hard. I escaped to Canada, and was glad enough when I crossed the bridge in safety.

"I desired, however, to return to my command, and started with my friend for the Confederacy via Detroit. Just before entering the city he received an intimation that the detectives

were on the lookout for us, and, giving me a signal, he jumped from the cars. I didn't notice the signal, but kept on, and was arrested in the depot.

"I wish to say that killing women and children was the last thing thought of. We wanted to let the people of the North understand that there are two sides to this war, and that they can't be rolling in wealth and comfort while we at the South are bearing all the hardships and privations.

"In retaliation for Sheridan's atrocities in the Shenandoah Valley, we desired to destroy property, not the lives of women and children, although that would of course have followed in its train.

"Done in the presence of Lieut.-Col. Martin Burke, March 24th, 10:30 P. M."

The conspirators had also sent skillful agents to the West India Islands to procure the virus of small-pox and yellow fever, which they did, and packing it among clothing and blankets, had it shipped through the British Provinces and by way of the New England States, and sent to the camps of the soldiers in the field, and to the hospitals. There is nothing so revolting and cruel as these acts in the history of warfare in civilized nations. Even the most barbarous nations had never stooped to such brutality.

## CHAPTER XVII.

GRANT TAKES COMMAND OF THE ARMIES OF THE REPUBLIC.—HIS ADDRESS TO HIS SOLDIERS.— HIS LETTER TO HON. E. B. WASHBURNE.—JEFFERSON DAVIS STILL HOPEFUL OF SUCCESS.—A. H. STEPHENS' VIEWS OF PEACE.—GEN. SHERMAN'S FIELD ORDER NO. 68.—HIS LETTER TO GEN. BURBRIDGE.—MAKES PRESIDENT LINCOLN A CHRISTMAS GIFT OF SAVANNAH.—HIS LETTER TO MAJ. R. M. SAWYER.—MASSACRE AT FORT PILLOW.—SHERIDAN'S VICTORY AT WINCHESTER.—HAVOC OF THE WAR IN 1864.—ENGLAND SUPPLIES THE REBELS WITH SHIPS.—EFFECTS OF THE PRESIDENTIAL ELECTION OF 1864.—TREASONABLE ORGANIZATIONS OF THE DEMOCRATS OF THE FREE STATES.—"KNIGHTS OF THE GOLDEN CIRCLE."—THEIR PLANS.

THE year 1863 ended with the armies in strong force upon either side, and 1864 found them pitching their tents for the winter. With the opening of spring came increased activity. A new impetus had been lent to the whole forces of the Union. Congress had, by Act of March 3d, created U. S. Grant Lieutenant-General of the Armies of the United States. He was summoned from the field to the Capital, where he received his commission, relieving Major-General H. W. Halleck, a faithful soldier and true patriot, who received the thanks and congratulations of the President on his leaving the head of the army. On the second day after his appointment, the Lieutenant-General left for the battle field, announcing that the head-quarters of the Armies of the United States would be at Washington and at his head-quarters in the field. And from the day that Grant assumed command, the faith of the whole country was that the end of the Rebellion, by a victory of the Union Armies and complete Federal authority, was certain.

The President and Congress left the entire directory

of the operations in the field to Grant, who fully understood that to carry the war with a vigorous hand into the extreme Southern States, cut off communication by land and water, and destroy the fountains of supply, was the surest policy of success, which course was pursued. The several calls for soldiers during the year 1864 amounted to 1,500,000, which were as follows: February 1st, 500,000; March 14th, 200,000; July 18th, 500,000; December 20th, 300,000.

The destruction of life and property during the summer of 1864 and spring of 1865, was perhaps never equaled in the history of any war. The leaders on both sides were determined upon victory. The North *knew its strength, and the South knew its own weakness.* The people of the South cried for peace—peace on any terms. The leaders said there could be no peace without the independence of the South; and the people of the Free States, the Congress and the President, declared that no terms looking to a cessation of the war could be entertained unless they were accompanied with the conditions of submission to Federal authority. But this was spurned by the South, the leaders of which resorted to all devices to rally the drooping spirits of the people, and the sorely depleted ranks of the army.

The following address of General Grant to his soldiers at the close of the year 1863, (December 10th,) will show how hopeful prospects were of further operations of the Union Army:

"HEAD-QUARTERS MIL. DIV. OF THE MISSISSIPPI, IN THE FIELD,
"Chattanooga, Tennessee, Dec. 10th, 1863.

"The General Commanding takes this opportunity of returning his sincere thanks and congratulations to the brave Armies of the Cumberland, the Ohio, the Tennessee, and their comrades

from the Potomac, for the recent splendid and decisive successes achieved over the enemy. In a short time you have recovered from him the control of the Tennessee River, from Bridgeport to Knoxville. You dislodged him from his great stronghold upon Lookout Mountain, drove him from Chattanooga Valley, wrested from his determined grasp the possession of Missionary Ridge, repelled with heavy loss to him his repeated assaults upon Knoxville, forcing him to raise the siege there, driving him at all points, utterly routed and discomfited, beyond the limits of the State. By your noble heroism and determined courage, you have effectually defeated the plans of the enemy for regaining possession of the States of Kentucky and Tennessee. You have secured positions from which no rebellious power can drive or dislodge you. For all this the General Commanding thanks you collectively and individually. The loyal people of the United States thank and bless you. Their hopes and prayers for your success against this unholy Rebellion are with you daily. Their faith in you will not be in vain. Their hopes will not be blasted. Their prayers to Almighty God will be answered. You will yet go to other fields of strife, and with the invincible bravery and unflinching loyalty to justice and right which have characterized you in the past, you will prove that no enemy can withstand you, and that no defenses, however formidable, can check your onward march.

"By order of Major-General U. S. GRANT.
"T. S. BOWERS, A. A. G."

The following letter from the Commanding General of the Union Armies, will indicate the faith entertained of success, and the depleted condition of the Confederate forces:

"HEAD-QUARTERS ARMIES OF THE UNITED STATES,
"City Point, Va., August 16th, 1864.

"To HON. E. B. WASHBURNE:

"*Dear Sir*—I state to all citizens who visit me that all we want now to insure an early restoration of the Union is a determined unity of sentiment North. The Rebels have now in their ranks their last man. The little boys and old men are guarding prisoners, guarding railroad bridges, and forming a good part of their garrisons for entrenched positions. A man lost by them

cannot be replaced. *They have robbed the cradle and the grave equally* to get their present force. Besides what they lose in frequent skirmishes and battles, they are now losing from desertions and other causes at least one regiment per day.

"With this drain upon them the end is not far distant, if we will only be true to ourselves. Their only hope now is in a divided North. This might give them reinforcements from Tennessee, Kentucky, Maryland, and Missouri, while it would weaken us. With the draft quickly enforced, the enemy would become despondent, and would make but little resistance. I have no doubt but the enemy are exceedingly anxious to hold out until after the Presidential election. They have many hopes from its effects.

"They hope a counter revolution; they hope the election of the Peace candidate. In fact, like 'Micawber,' they hope for something to 'turn up.' Our peace friends, if they expect peace from separation, are much mistaken. It would be but the beginning of war with thousands of Northern men joining the South because of our disgrace in allowing separation. To have 'peace on any terms,' the South would demand the restoration of their slaves already freed; they would demand indemnity for losses sustained, and they would demand a treaty which would make the North slave hunters for the South. They would demand pay for the restoration of every slave escaping to the North.

"Yours, truly,

"U. S. GRANT."

In strong contrast with these views, are the following from the President and Vice-President of the Confederate States; and this, although Sherman's army had entered the heart of Georgia, the granary of the South, and made it a barren waste wherever his army passed.

In October, 1864, at Augusta, Jefferson Davis spoke as follows:

"Those who see no hope now, who have lost confidence, are to me like those of whose distorted vision it is said they behold spots upon the sun. Such are the croakers who seem to forget the battles that have been won, and the men who have fought;

who forget that in the magnitude of those battles, and the heroism of those men, this struggle exceeds all that history records. We commenced the fight without an army, without a navy, without arsenals, without mechanics, without money, and without credit. Four years we have stemmed the tide of invasion, and to-day are stronger than when the war began — better able now than ever to repulse the vandal who is seeking our overthrow. Once we imported the commonest articles of daily use, and brought in from beyond our borders even bread and meat. Now the State of Georgia alone produces food enough not only for her own people and the army within it, but feeds, too, the Army of Virginia. Once we had no arms, and could receive no soldiers but those who came to us armed. Now we have arms for all, and are begging men to bear them. This city of Augusta alone produces more powder than the army can burn. All things are fair, and this Confederacy is not yet, in the familiar parlance of the croaker, 'played out,' as those declare who spread their own despondency over the whole body politic.

"We are fighting for Constitutional liberty; upon us depends its last hope. The Yankees, in endeavoring to coerce the States, have lost that heir-loom of their fathers, and the men of the South alone must sustain it.

"Ours is not a revolution. We are a free and independent people in States that had the right to make a better Government when they saw fit. They sought to infringe upon the rights we had, and we only instituted a new Government on the basis of these rights.

"We are not engaged in a Quixotic fight for the rights of man; our struggle is for inherent rights, and who would surrender them? Let every paper guarantee possible be given, and who would submit? From the grave of many a fallen hero the slain would cry out against such a peace with the murderers. The women of the land driven from their homes; the children lacking food; old age hobbling from the scenes of its youth; the fugitives, forced to give way to the Yankee oppressor—all proclaim a sea of blood that freemen cannot afford to bridge. There is but one thing to which we can accede—separate State independence. Some there are who speak of reconstruction with Slavery maintained; but are there any who would thus measure rights by property? God forbid. Would you see that boy, with a peach bloom on his cheek, grow up a serf—never to tread the

path of honor unless he light the torch at the funeral pyre of his country? Would you see the fair daughters of the land given over to the brutality of the Yankees?

"If any imagine this would not be so, let him look to the declaration of Mr. Lincoln—the terms he offers; let him read the declarations of the Northern press; let him note the tone of the Northern people, and he will see there is nothing left for us but separate independence."

On the 22d of September, 1864, Alexander H. Stephens said:

"The resolutions of the Georgia Legislature, at its last session, upon the subject of peace, in my judgment, embodied and set forth very clearly those principles upon which alone there can be permanent peace between the different sections of this extensive, once happy and prosperous, but now distracted country.

"Easy and perfect solution to all present troubles, and those far more grievous ones which loom in prospect, and portentously threaten in the coming future, is nothing more than the simple recognition of the fundamental principle and truth upon which all American constitutional liberty is founded, and upon the maintenance of which alone it can be preserved—that is, the sovereignty, the ultimate, absolute sovereignty of the States. This doctrine our Legislature announced to the people of the North and to the world. It is the only key-note to peace—permanent, lasting peace—consistent with the security of the public liberty.

"The old Confederation was formed upon this principle. The old Union was afterwards formed upon this principle. No league can ever be formed or maintained between any States, North or South, securing public liberty, upon any other principle.

"The whole frame-work of American institutions, which in so short a time had won the admiration of the world, and to which we were indebted for such an unparalleled career of prosperity and happiness, was formed upon this principle. All our present troubles sprang from a departure from this principle—from a violation of this essential law of our political organization.

"The idea that the old Union, or any union between sovereign States, consistently with this fundamental truth, can be maintained by force, is preposterous. This war springs from an attempt to do this preposterous thing. Superior power may com-

pel a Union of some sort, but it will not be the Union of the old Constitution or of our new. It would be that sort of Union that results from despotism."

The progress of Sherman's army and his decisive victories, as he made his way from "Atlanta to the sea," and "as he was marching through Georgia," may be understood by the following extracts from some of his letters in the field, after the capture of Atlanta:

"HEAD-QUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
"In the Field, Atlanta, Ga., Sept. 8th.

"*Special Field Order No.* 68.

"We have beaten our enemy on every ground he has chosen, and have wrested from him his own Gate City, where were located his foundries, arsenals, and workshops, deemed secure on account of their distance from our base, and the seeming impregnable obstacles intervening. Nothing is impossible to an army like this, determined to vindicate a Government which has rights wherever our flag has once floated, and is resolved to maintain them at any and all costs.

"In our campaign many, yea, very many, of our noble and gallant comrades have preceded us to our common destination, the grave; but they have left the memory of deeds on which a nation can build a proud history. Generals McPherson, Harker, McCook, and others dear to us all, are now the binding links in our minds that should attach more closely together the living, who have to complete the task which still lies before us in the dim future.

"I ask all to continue, as they have so well begun, the cultivation of the soldierly virtues that have ennobled our own and other countries. Courage, patience, obedience to the laws and constituted authorities of our Government; fidelity to our trusts, and good feeling among each other; each trying to excel the other in the practice of those high qualities, and it will then require no prophet to foretell that our country will in time emerge from this war, purified by the fires of war, and worthy its great founder, Washington.

"W. T. SHERMAN, Maj.-Gen. Commanding."

Gen. Sherman had intended that Atlanta should be

used for military purposes, and ordered that the women and children be removed, to which the Confederate General, J. B. Hood, replied, asking in "God's name that they be permitted to remain."

The following is an extract from Gen. Sherman's letter to Hood, dated Atlanta, September 10th, 1864:

"In the name of common sense, I ask you not to appeal to a just God in such a sacrilegious manner. You, who in the midst of peace and prosperity, have plunged a Nation into civil war—'dark and cruel war'—who dared and badgered us to battle, insulted our flag, seized our arsenals and forts that were left in the honorable custody of a peaceful Ordnance Sergeant, seized and made prisoners of war the very garrisons sent to protect your people against Negroes and Indians, long before any overt act was committed by the, to you, hateful Lincoln Government; tried to force Kentucky and Missouri into the Rebellion in spite of themselves; falsified the vote of Louisiana; turned loose your privateers to plunder unarmed ships; expelled Union families by the thousand; burned their houses, and declared by act of Congress the confiscation of all debts due Northern men for goods had and received. Talk thus to the marines, but not to me, who has seen these things, and will this day make as much sacrifice for the peace and honor of the South as the best born Southerner among you. If we must be enemies, let us be men, and fight it out as we propose to-day, and not deal in such hypocritical appeals to God and humanity. God will judge me in good time, and he will pronounce whether it will be more humane to fight with a town full of women, and the families of a 'brave people' at our backs, or to remove them in time to places of safety among their own friends and people.

"I am, very respectfully, your obedient servant,

"W. T. SHERMAN, Maj.-Gen. Commanding."

The following characteristic letter of Maj.-Gen. W. T. Sherman, in reference to the lawless acts of a portion of the Southern people, will show how fully its author was imbued with the principles of American Government, and the rights of individuals:

"HEAD-QUARTERS MIL. DIV. OF THE MISS., IN THE FIELD,
"Big Shanty, Ga., June 21st, 1864.

"GEN. BURBRIDGE, Commanding Div. of Ky.:

"*General*—The recent raid of Morgan, and the current acts of men styling themselves Confederate partisans, or guerrillas, calls for determined action on your part. * *

"The fact is, in our country personal liberty has been so well secured that public safety is lost sight of in our laws and institutions, and the fact is, we are thrown back one hundred years in civilization, law, and everything else, and will go right straight to anarchy and the devil, if somebody don't arrest our downward progress.

"We, the military, must do it, and we have right and law on our side. All governments and communities have a right to guard against real and supposed danger. The whole people of Kentucky must not be kept in a state of suspense and real danger, lest a few innocent men should be wrongfully accused.

"1st. You may order all your Post and District Commanders that guerrillas are not soldiers, but wild beasts, unknown to the usages of war. To be recognized as soldiers, they must be enlisted, enrolled, officered, uniformed, armed, and equipped, by a recognized belligerent power, and must, if detailed from a main army, be of sufficient strength, with written orders from some army Commander to do some military thing. Of course we have recognized the Confederate Government as a belligerent power, but deny their right to our lands, territories, rivers, coasts, and nationality, admitting the right to rebel and move to some other country, where laws and customs are more in accordance with their own ideas and prejudices.

"2d. The civil power being insufficient to protect life and property, *ex necessitate rei* to prevent anarchy, 'which nature abhors,' the military steps taken are rightful, constitutional, and lawful. Under this law every body can be made to 'stay at home and mind his or her own business,' and if they won't do that, can be sent away where they cannot keep their honest neighbors in fear of danger, robbery and insult.

"3d. Your military Commanders, Provost Marshals, and other agents, may arrest all males and females who have encouraged or harbored guerrillas and robbers, and you may cause them to be collected in Louisville; and when you have enough—say three

or four hundred—I will cause them to be sent down the Mississippi, through their guerrilla gauntlet, and by a sailing ship send them to a land where they may take their negroes and make a colony, with laws and a future of their own. If they won't live in peace in such a garden as Kentucky, why we will send them to another, if not a better, land; and, surely, this would be a kindness to them and a God's blessing to Kentucky.

"I wish you to be careful that no personalities are mixed up in this; nor does a full and generous 'love of country,' 'of the South,' of their State or country, form a cause of banishment; but that devilish spirit, which will not be satisfied, and that makes war the pretext of murder, arson, theft, in all its grades, perjury, and all the crimes of human nature. My own preference was, and is, that the civil authorities in Kentucky would and could do this in that State; but if they will not, or cannot, then we must, for it must be done. There must be an end to strife, and the honest, industrious people of Kentucky and the whole world will be benefited and rejoiced at the conclusion, however arrived at.

"I use no concealment in saying that I do not object to men or women having what they call 'Southern feeling,' if confined to love of country, and of peace, honor, and security, and even a little family pride; but these become 'crimes' when enlarged to mean love of murder, of war, desolation, famine, and all the horrid attendants of anarchy.

"I am, with respect, your friend,

"W. T. SHERMAN, Maj.-Gen."

Sherman having marched his army "to the sea," and entered the City of Savannah, from which Gen. Hardie with all his forces fled on his approach, sent the following letter to the President:

"SAVANNAH, Georgia, December 22.

"His Excellency President LINCOLN:

"I beg to pesent you as a Christmas gift, the City of Savannah, with one hundred and fifty heavy guns and plenty of ammunition, and also about twenty-five thousand bales of cotton.

"W. T. SHERMAN, Maj.-Gen."

As early as the 31st of January, 1864, Gen. Sher-

man, in addressing Maj. R. M. Sawyer from his headquarters at Vicksburg, in relation to military operations in the South, said:

"When men take arms to resist our rightful authorities, we are compelled to use force because all reason and argument cease when arms are resorted to. When the provisions, forage, horses, mules, wagons, etc., are used by our enemy, it is clearly our duty and right to take them, because otherwise they might be used against us.

"In like manner, all houses left vacant by an inimical people are clearly our right, or such as are needed as store-houses, hospitals, and quarters. But a question arises as to dwellings used by women, children, and non-combatants. So long as non-combatants remain in their houses and keep to their accustomed business, their opinions and prejudices can in no wise influence the war, and therefore should not be noticed. But if any one comes out into the public streets and creates disorder, he or she should be punished, restrained, or banished, either to the rear or front, as the officer in command adjudges. If the people, or any of them, keep up a correspondence with parties in hostility, they are spies, and can be punished with death or minor punishment.

"These are well-established principles of war, and the people of the South having appealed to war, are barred from appealing to our Constitution, which they have practically and publicly defied. They have appealed to war, and must abide its rules and laws. The United States, as a belligerent party, claiming right in the soil as the ultimate sovereign, have a right to change the population, and it may be, and is, both politic and just we should do so in certain districts. When the inhabitants persist too long in hostility, it may be both politic and right we should banish them and appropriate their lands to a more loyal and useful population. No man will deny that the United States would be benefited by dispossessing a single prejudiced, hard-headed, and disloyal planter, and substituting in his place a dozen or more patient, industrious, good families, even if they be of foreign birth. I think it does good to present this view of the case to many Southern gentlemen, who grew rich and wealthy, not by virtue alone of their industry and skill, but by reason of the protection and impetus to prosperity given by

our hitherto moderate and magnanimous Government. It is all idle nonsense for these Southern planters to say that they made the South, that they own it, and that they can do as they please —even to break up our Government, and to shut up the natural avenues of trade, intercourse and commerce.

"We know, and they know, if they are intelligent beings, that, as compared with the whole world, they are but as five millions to one thousand millions; that they did not create the land; that their only title to its use and usufruct is the deed of the United States; and if they appeal to war, they hold their all by a very insecure tenure.

"For my part, I believe that this war is the result of false political doctrine, for which we are all, as a people, responsible, viz.: that any and every people have a right to self-government; and I would give all a chance to reflect, and, when in error, to recant. I know slave-owners, finding themselves in possession of a species of property in opposition to the growing sentiment of the whole civilized world, conceived their property in danger, and foolishly appealed to war, and, by skillful political handling, involved with themselves the whole South, on the doctrines of error and prejudice. I believe that some of the rich and slave-holding are prejudiced to an extent that nothing but death and ruin will extinguish, but hope that, as the poorer and industrial classes of the South realize their relative weakness, and their dependence upon the fruits of the earth and good-will of their fellow-men, they will not only discover the error of their ways, and repent of their hasty action, but bless those who persistently maintained a constitutional Government, strong enough to sustain itself, protect its citizens and promise peaceful homes to millions yet unborn.

"In this belief, while I assert for our Government the highest military prerogatives, I am willing to bear in patience that political nonsense of Slave rights, State rights, freedom of conscience, freedom of press, and such other trash, as have deluded the Southern people into war, anarchy, bloodshed, and the foulest crimes that have disgraced any time or any people.

"I would advise the commanding officers at Huntsville, and such other towns as are occupied by our troops, to assemble the inhabitants and explain to them these plain, self-evident propositions, and tell them that it is *now* for them to say, whether they and their children shall inherit the beautiful land which, by the

accident of nature, has fallen to their share. The Government of the United States has in North Alabama any and all rights which they choose to enforce in war: to take their lives, their homes, their lands, their everything, because they cannot deny that war does exist there, and war is simply power unrestrained by Constitution or compact. If they want eternal war, well and good; we will accept the issue and dispossess them, and put our friends in possession. I know thousands of good people, who, at simple notice, would come to North Alabama and accept the elegant houses and plantations now there. If the people of Huntsville think different, let them persist in war three years longer, and then they will not be consulted. Three years ago, by a little reflection and patience, they could have had a hundred years of peace and prosperity, but they preferred war; very well, last year they could have saved their slaves, but now it is too late—all the powers of earth cannot restore to them their slaves, any more than their dead grandfathers. Next year their lands will be taken, for in war we can take them, and *rightfully*, too; and in another year they may beg in vain for their lives. A people who will persevere in war beyond a certain limit ought to know the consequences. Many, many people, with less pertinacity than the South, have been wiped out of national existence.

"My own belief is, that even now the non-slaveholding classes of the South are alienating from their associates in war. Already I hear crimination. Those who have property left should take warning in time.

"Since I have come down here, I have seen many Southern planters who now hire their negroes, and acknowledge that they knew not the earthquake they were to make by appealing to Secession. They thought that the politicians had prepared the way, and that they could part in peace. They now see that we are bound together as one Nation, by indissoluble ties, and that any interest or any people that set themselves up in antagonism to the Nation, must perish.

"While I would not remit one jot or tittle of our Nation's rights, in peace or war, I do make allowances for past political errors and false prejudices. Our National Congress and Supreme Courts are the proper arenas in which to discuss conflicting opinions, and not the battle field.

"You may not hear from me again, and if you think it will

do any good, call some of the people together and explain these, my views. You may even read to them this letter, and let them use it, so as to prepare them for my coming.

"To those who submit to the rightful law and authority, all gentleness and forbearance, but to the petulant and persistent secessionists, why, death is mercy, and the quicker he or she is disposed of, the better. Satan and the rebellious saints of heaven were allowed a continuance of existence in hell, merely to swell their just punishment. To such as would rebel against a Government so mild and just as ours was in peace, a punishment equal would not be unjust.

"We are progressing well in this quarter. Though I have not changed my opinion that we may soon assume the existence of our National Government, yet years will pass before ruffianism, murder, and robbery will cease to afflict this region of our country.

"Truly your friend,

"W. T. SHERMAN,

"Major-General Commanding."

One of the most memorable acts of the war was the attack by the rebels upon Fort Pillow. They were led by Napoleon B. Forrest, of the Confederate Army, who assisted in framing the Democratic National platform of 1868, in the Convention held at New York city, on the Fourth of July, where he was the centre of attraction and admiration of the chivalry wing of the Democracy. The attack on the fort was on the 12th of April, 1864. On the news of this revolting, wholesale murder having reached Congress, a Committee was appointed, who investigated the matter, and as no comment will be attempted, the report of the Committee of Congress is here given:

"The rebels commenced an indiscriminate slaughter, sparing neither age nor sex, white or black, soldier or civilian. The officers and men seemed to vie with each other in the devilish work. Men, women, and even children, wherever found, were deliberately shot down, beaten, and hacked with sabres. Some of the children, not more than ten years old, were forced to

stand up and face their mothers while being shot. The sick and wounded were butchered without mercy, the rebels even entering the hospital buildings and dragging them out to be shot, or killing them as they lay there, unable to offer the least resistance. All over the hill-side the work of murder was going on. Numbers of our men were gathered together in lines or groups and deliberately shot. Some were shot while in the river, while others on the bank were shot and their bodies kicked into the water, many of them still living, but unable to make any exertion to save themselves from drowning. Some of the rebels stood upon the top of the hill, or a short distance down its side, and called to our soldiers to come up to them, and as they approached, shot them down in cold blood; if their guns or pistols missed fire, forcing them to stand there until they were again prepared to fire. All around were heard cries of 'No quarter! no quarter!' 'Kill the d—n niggers!' 'Shoot them down!' All who asked for mercy, were answered by the most cruel taunts and sneers. Some were spared for a time, only to be murdered under circumstances of greater cruelty. No cruelty which the most fiendish malignity could devise was omitted by these murderers. One white soldier, who was wounded in the leg so as to be unable to walk, was made to stand up while his tormentors shot him. Others, who were wounded and unable to stand up, were held up and again shot. One negro, who had been ordered by a rebel officer to hold his horse, was killed by him when he remonstrated. Another, a mere child, whom an officer had taken up behind him on his horse, was seen by Chalmers, who at once ordered the officer to put him down and shoot him, which was done. The huts and tents in which many of the wounded had sought shelter, were set on fire, both that night and the next morning, while the wounded were still in them, those only escaping who were able to get themselves out, or who could prevail on others less injured than themselves to help them out; and even some of them thus seeking to escape the flames were met by these ruffians and brutally shot down, or had their brains beaten out. One man was deliberately fastened down to the floor of a tent, face upwards, by means of nails driven through his clothing and into the boards under him, so that he could not possibly escape, and then the tent set on fire. Another man was nailed to the side of a building, outside of the fort, and then the building set on fire

and burned. The charred remains of five or six bodies were afterwards found, all but one so much disfigured and consumed by the flames that they could not be identified, and the identification of that one is not absolutely certain, although there can hardly be a doubt that it was the body of Lieut. Akerstrom, Quarter-master of the 13th Virginia cavalry, and a native Tennesseean. Several witnesses who saw the remains, and who were personally acquainted with him while living here, testified that it is their firm belief that it was his body that was thus treated. These deeds of murder and cruelty closed when night came on, only to be renewed the next morning, when the demons carefully sought among the dead lying about in all directions for any other wounded yet alive, and those they killed. Scores of the dead and wounded were found there the day of the massacre by the men from some of our gunboats, who were permitted to go on shore and collect the wounded and bury the dead.

"The rebels themselves had made a pretense of burying a great many of their victims, but they had merely thrown them, without the least regard to care or decency, into the trenches and ditches about the fort, or the little hollows and ravines on the hill-side, covering them but partially with earth. Portions of heads and faces, hands and feet, were found protruding through the earth in every direction, even when your Committee visited the spot two weeks afterwards, although parties of men had been sent on shore from time to time to bury the bodies unburied, and re-bury the others, and were even then engaged in the same work. We found evidences of this murder and cruelty still more painful. We saw bodies still unburied, at some distance from the fort, of some sick men who had been fleeing from the hospital, and beaten down and brutally murdered, and their bodies left where they had fallen. We could still see the faces, and hands, and feet of men, white and black, protruding out of the ground, whose graves had not been reached by those engaged in re-interring the victims of the massacre; and although a great deal of rain had fallen within the preceding two weeks, the ground, more especially on the side at the foot of the bluff where the most of the murders had been committed, was still discolored by the blood of our brave but unfortunate men, and the logs and trees showed but too plainly the evidences of the atrocities perpetrated there."

Conspicuous among the army operations of 1864, was the temporary defeat of the Union Army at Winchester, which was afterwards turned into a glorious victory by Gen. Sheridan. This was on the 19th of October. The labors in the field of operations were greater; more real service had been accomplished than had been done during the two previous years. 6,500 miles of military telegraph had been built during the year, which greatly facilitated military operations.

The results of the war had been terrible, as the number of the slain and wounded will show. The whole land, it would seem, was in mourning; not a household but what was broken and saddened by the distress of the long-continued strife and vacant places in the family circle. At the date of June 30th, 1864, 190 hospitals with 120,520 beds were in full occupancy, for the sick and wounded of the Union Army; 22,767 pensioners were receiving pay from the Government; 25,433 widows, orphans and dependent mothers, had to be supported from the National treasury. (For full lists of troops, total killed, and deaths, see Appendix.)

During the year 1864, the subject of British shipbuilders supplying the rebels with vessels to prey upon the merchant ships of the United States, caused serious complications between the Governments of the United States and Great Britain. The engagement between the *Alabama* and *Kearsarge* resulted in the sinking of the former; her commander, Capt. Semmes, and her crew were rescued by the English yacht, *Deerhound*, and received with great sympathy and honors in England.

Mr. Cobden, in the House of Commons, in England, on the 13th of May, 1864, speaking on the subject of

England permitting the fitting out in her ports of ships for the rebels, said:

"The British Government has already done its worst against the American mercantile marine. The injury, considering the amount of property destroyed, had been rendered useless. In 1860, one-third of the American commerce was carried on in foreign bottoms; in 1863, three-fourths; and this was owing to the privateers armed and equipped in English ports."

About this period renewed efforts were being made by the friends of the Confederacy to have the English Government acknowledge her independence; but they were unavailing.

The year 1864 presented new features beyond any period since the commencement of the war. A President and Vice-President of the United States were to be elected in November; and with the war still raging, and little prospect of a speedy termination, the two great political parties felt much solicitude to carry their points. The Republican party must do something decisive before the day of election; for by that time almost four years of the Administration would have passed, and there might be good grounds for the Democrats and Conservative party saying that the war had been a failure.

The friends of the South throughout the North were clamorous for "Compromise," and urged a Convention of the States, hoping by this to secure such terms as would induce the North to acknowledge their independence, or to give them new guarantees for the protection of Slavery. But as the Government had not violated nor infringed on any of the rights of the South, she had nothing to redress; and her answer, through the Executive, now became positive, that acknowledgment of Federal authority was the pre-requisite to any terms.

The leading anti-war wing of the Democracy of the North were determined to defeat the Administration in the election in the fall, and their policy was by all means to weaken the power of the army and navy; and to this end extensive opposition was offered to enlistments. The Democratic press of the whole land teemed with denunciations upon the "Federal butchers" and the ruinous taxation of the country. No effort was made by these "peace" men to induce the people of the South to lay down their arms and return to their allegiance, although they well knew that would at once stop the war and taxation; on the contrary, they entered into private organizations throughout the country to thwart the powers and operations of the Government, and to aid the South.

A powerful organization, officered by leading anti-war Democrats, had developed itself throughout the country, in 1864, known as the "Knights of the Golden Circle." C. L. Vallandigham, of Ohio, who had been banished from the country by the Executive for treasonable complicity with the rebels, had made his way to his State. The ritual of the organization is supposed to have been written by Jefferson Davis, and the organization instituted by himself and Mr. Vallandigham. It was military in its nature, and was to have a "Commander-in-Chief of all military forces belonging to the Order in the various States, when called into actual service." R. C. Wright, editor of the New York *News*, was the first "Commander" of the organization, and Mr. Vallandigham was his successor. Owing to the secret workings of the Order having been discovered, the name was changed at different times, and was known as "Order of American Knights," "Order of Sons of Liberty," and other names. Large quanti-

ties of arms and munitions of war were accumulated by them, and the Order extended from New England to the Pacific States. In California and Oregon it was well organized, and was a powerful auxiliary in the campaign of the fall of 1864. In the State of Indiana alone, the Order had at one time 6,000 muskets and 60,000 revolvers; and throughout the whole country large supplies of arms were in the hands of its members.

Thousands of Democrats joined the clubs and societies of this Order, supposing it to be a purely political affair, only to find themselves bound to yield prompt obedience to their Chief, under penalty of "shameful death." The discovery of 112 copies of the ritual and oaths, in the office of H. W. Vorhees, a Democratic Congressman from Indiana, in 1864, fully developed the treasonable purposes of the Order, which was further proven by the examination of witnesses on the trial of some of its members, arrested and tried by Federal authority, for aiding and abetting the enemy.

The written "Principles" of the Order show the solid "Democratic principles" upon which it was founded. They declare, that there is "*no Sovereignty*" in the United States Government; that it is but a compact of "Sovereign States," and denies the power of the General Government to *coerce* a State by arms.

The purposes of the Order were: 1st. Aiding soldiers to desert, and harboring and protecting deserters. 2d. Discouraging enlistments and resisting the draft. 3d. Circulating disloyal and treasonable publications. 4th. Communicating with and giving intelligence to the enemy. 5th. Aiding the enemy by recruiting them, or assisting them to recruit, within our lines. 6th. Furnishing the rebels with arms, ammuni-

tion, etc. 7th. Coöperating with the enemy in raids and invasions. 8th. Destruction of Government property. 9th. Destruction of private property, and persecution of Union men. 10th. Assassination and murder. 11th. Establishment of a North-Western Confederacy.

The Judge-Advocate who sat upon the trial of members of the Order, has given the above objects in his findings, and certifies them to have been "derived from a variety of dissimilar sources;" and the evidence, he says, "must be regarded of the most reliable character."

# CHAPTER XVIII.

PRESIDENTIAL ELECTION OF 1864.—PLATFORMS OF THE PARTIES.—REMOVAL OF GENERAL McCLELLAN.—DEMOCRATIC NATIONAL CONVENTION.—SHERIDAN APPOINTED A MAJOR-GENERAL. — VOTE IN THE PRESIDENTIAL ELECTION. — POLICY OF THE REPUBLICAN PARTY. — VICTORIES OF THE UNION ARMIES. — PRESIDENT LINCOLN'S ANNUAL MESSAGE OF 1864. — JEFFERSON DAVIS' MESSAGE TO THE REBEL CONGRESS.

PROMINENT among the many important events of the year 1864 was the election of President and Vice-President of the United States. Early in the year it was resolved by a majority of the friends and former supporters of Mr. Lincoln that his re-election would be a victory in behalf of the principles of the Republican party, and demonstrate to the enemy that confidence was reposed in the ability of the existing Administration, to finish the Rebellion upon the avowed doctrines of the party; that the National authority was the supreme law of the land, and that no compromise, acknowledgment or cessation of hostilities could be entertained unless the authority of the General Government be first acknowledged, and all opposition to the Federal laws abandoned.

The four years of war had placed the Administration in the possession of such knowledge of the condition of the country, and the wants of the Government, that any change in its head at that time would work mischief; besides, unbounded faith in the ability and patriotism of President Lincoln was held throughout the country, and harmony existed between the several branches of the Government and the Executive. Still, there were many persons who had, during the years of

war, believed that Lincoln's policy was too conservative. A Convention of this class of persons, the first political National one of the year, met at Cleveland, Ohio, May 31st, 1864, and nominated General John C. Fremont for the Presidency, and General John Cochran, of New York, for the Vice-Presidency. The policy of these standard-bearers was radical in the extreme, or rather the party by which they were nominated, for the candidates seemed to have thought the platform adopted by the party too radical to suit them.

Gen. Fremont had been "shelved" by the Executive, and his military glory had sunk far below zero, and with his nomination for the Presidency, he thought to "get even" with the Administration. But the party at his back, although possessing the moral courage, did not possess the numerical strength to do other than cause a split in the Union ranks; and Fremont, to his credit, with all his prejudices strong against Lincoln's policy, on the 17th of September, withdrew from the contest. Following is an extract from his letter on the subject:

"The Presidential contest has, in effect, been entered upon in such a way that the union of the Republican party had become a paramount necessity. The policy of the Democratic party signifies either separation or re-establishment with Slavery. The Chicago platform is simply separation. Gen. McClellan's letter of acceptance is re-establishment with Slavery. The Republican candidate is, on the contrary, pledged to the re-establishment of the Union *without* Slavery; and however hesitating his policy may be, the pressure of his party will, we may hope, force him to it. Between these issues, I think that no man of the liberal party can remain in doubt; and I believe I am consistent with my antecedents and my principles in withdrawing—not to aid in the triumph of Mr. Lincoln, but to do my part toward *preventing* the election of the Democratic candidate. In respect to Mr. Lincoln, I continue to hold exactly the sentiments

contained in my letter of acceptance. I consider that his Administration has been politically, militarily, and financially a failure, and that its necessary continuance is a cause of regret for the country."

On the 7th of June, 1864, the Union National Convention met at Baltimore, Maryland. Delegates were present from all the Free States, and also from most of the Slave States—those in rebellion as well as those that did not secede. Louisiana, Arkansas, Tennessee, Delaware, Maryland, West Virginia and Kentucky—all former Slave States—had delegates present. On the first ballot, Abraham Lincoln received 492 votes, and Ulysses S. Grant, 22; the vote was subsequently made unanimous for Mr. Lincoln. Andrew Johnson, of Tennessee, was nominated for the Vice-Presidency. A platform, or series of resolutions, setting forth the principles of the party, were adopted, and the Union Republican party rallied to the support of Lincoln and Johnson. Following is the platform of the party:

"*Resolved*, That it is the highest duty of every American citizen to maintain against all their enemies the integrity of the Union and the paramount authority of the Constitution and the laws of the United States; and that, laying aside all differences and political opinions, we pledge ourselves, as Union men, animated by a common sentiment, and aiming at a common object, to do everything in our power to aid the Government in quelling by force of arms the Rebellion now raging against its authority, and in bringing to the punishment due to their crimes the rebels and traitors arrayed against it.

"*Resolved*, That we approve the determination of the Government of the United States not to compromise with rebels, nor to offer them any terms of peace, except such as may be based upon an unconditional surrender of their hostility and a return to their just allegiance to the Constitution and the laws of the United States; and that we call upon the Government to maintain this position, and to prosecute the war with the utmost possible vigor to the complete suppression of the Rebellion, in full

reliance upon the self-sacrificing patriotism, the heroic valor, and the undying devotion of the American people to their country and its free institutions.

"*Resolved*, That, as Slavery was the cause, and now constitutes the strength of this Rebellion, and as it must be always and everywhere hostile to the principles of Republican government, justice and the National safety demand its utter and complete extirpation from the soil of the Republic; and that we uphold and maintain the acts and proclamations by which the Government, in its own defense, has aimed a death-blow at this gigantic evil. We are in favor, furthermore, of such an amendment to the Constitution, to be made by the people, in conformity with its provisions, as shall terminate and forever prohibit the existence of Slavery within the limits or the jurisdiction of the United States.

"*Resolved*, That the thanks of the American people are due to the soldiers and sailors of the Army and the Navy, who have periled their lives in defense of their country and in vindication of the honor of the flag; that the Nation owes to them some permanent recognition of their patriotism and their valor, and ample and permanent provision for those of their survivors who have received disabling and honorable wounds in the service of the country; and that the memories of those who have fallen in its defense shall be held in grateful and everlasting remembrance.

"*Resolved*, That we approve and applaud the practical wisdom, the unselfish patriotism and unswerving fidelity to the Constitution and the principles of American Liberty, with which Abraham Lincoln has discharged, under circumstances of unparalleled difficulty, the great duties and responsibilities of the Presidential office; that we approve and indorse, as demanded by the emergency and essential to the preservation of the Nation, and as within the Constitution, the measures and acts which he has adopted to defend the Nation against its open and secret foes; that we approve especially the Proclamation of Emancipation, and the employment as Union soldiers of men heretofore held in Slavery; and that we have full confidence in his determination to carry these, and all other constitutional measures essential to the salvation of the country, into full and complete effect.

"*Resolved*, That we deem it essential to the general welfare that harmony should prevail in the National Councils; and we regard as worthy of public confidence and official trust, those

only who cordially indorse the principles proclaimed in these resolutions, and which should characterize the administration of the Government.

"*Resolved*, That the Government owes to all men employed in its armies, without regard to distinction of color, the full protection of the laws of war; and that any violation of these laws or of the usages of civilized nations in the time of war by the rebels now in arms, should be made the subject of full and prompt redress.

"*Resolved*, That the foreign immigration which in the past has added so much to the wealth and development of resources and increase of power to this Nation, the asylum of the oppressed of all nations, should be fostered and encouraged by a liberal and just policy.

"*Resolved*, That we are in favor of the speedy construction of the Railroad to the Pacific Coast.

"*Resolved*, That the National faith pledged for the redemption of the public debt, must be kept inviolate; and that for this purpose we recommend economy and rigid responsibility in the public expenditures, and a vigorous and just system of taxation; that it is the duty of every loyal State to sustain the credit and promote the use of the National currency.

"*Resolved*, That we approve the position taken by the Government, that the people of the United States can never regard with indifference the attempt of any European power to overthrow by force, or to supplant by fraud, the institutions of any Republican Government on the Western Continent, and that they will view with extreme jealousy, as menacing to the peace and independence of this our country, the efforts of any such power to obtain new footholds for Monarchical Governments, sustained by a foreign military force in near proximity to the United States."

The Democratic party at the North were making every effort to carry the fall election. They must not adopt any of the old hard-shell Democratic drones, whose principles were in full and acknowledged sympathy with the rebels; and but one man was looked to, to head their ticket and save the party. That man was Gen. George B. McClellan, who at the outbreak of the war was recommended by the veteran Lieut.-

Gen. Scott for the head of the army. His tour of observation in Europe during the Crimean War, and his elaborate report upon the subject of that great campaign, with his West Point education, placed him high in the estimation of military men. He had improvised and equipped a great army, and on *dress parade* was the pride of the Nation. But his insufferable inactivity while his army lingered in idleness around the Potomac, or wasted away in the swamps of the Chickahominy, had robbed him of the essential quality of a soldier, in the minds of the people. Actual service did not seem to be his forte. And as this bright military meteor, whose light dazzled the eyes of his countrymen, grew pale by degress and beautifully less, he became a shining light and tower of strength in the eyes of the Democratic party; for since his removal from the command of the Armies of the Republic, he had talked and acted "compromise," and this suited the anti-war men of the whole country. Unable longer to endure the sublime composure and seeming unnecessary inactivity of Gen. McClellan, Abraham Lincoln issued an order directing him to turn over his command to Gen. Burnside, and to report at once at Trenton, the Capital of New Jersey. This order was handed to McClellan on the night of the 6th of November, 1862, at his head-quarters in the field, and on the following day, November 7th, he issued his farewell address to his soldiers, and bade them adieu, which startled them, himself, and a large class of the people as much as if the Angel Gabriel had summoned them to judgment.

The orders relieving McClellan were as follows:

"War Department, Adjutant-General's Office,
"Washington, November 5th, 1862.

"*General Orders No.* 182.

"By direction of the President of the United States it is or-

dered that Major-General McClellan be relieved from the command of the Army of the Potomac, and that Major-General Burnside take the command of that Army.

"By order of the Secretary of War.

"E. D. TOWNSEND,
"Assistant-Adjutant General."

"HEAD-QUARTERS OF THE ARMY,
"Washington, D. C., November 5th, 1862.

"*General*—On the receipt of the order of the President, sent herewith, you will immediately turn over your command to Major-General Burnside, and report to Trenton, N. J., reporting on your arrival at that place, by telegraph, for further orders.

"Very respectfully, your obedient servant,
"H. W. HALLECK, General-in-Chief.

"Major-General McClellan, Commanding, etc., etc."

The removal of Gen. McClellan was looked upon by many of his personal admirers as an act of great injustice. His failures were attributed to a lack of support promised him, and a complicity among leading officials to blight his military fame; and these views formed leading subjects of comment and sympathy for the shelved General. But the majority of the class indulging in this, were tinctured with "conservatism," or proclivities of a worse Democratic type, while the great mass of the Republican party—those who were his zealous supporters at the outset—rejoiced at and applauded the act of the Executive in thus removing the man whose inactivity had well nigh prostrated the Nation.

The Democratic National Convention met at Chicago, Illinois, August 29th, 1864, and was largely attended, as well by thousands of outsiders as the members of the Convention. Aged remnants of the slave power, with their political sins fresh blown upon them, were

there. The Constitution, Compromise, and State Rights were their favorite themes. They clung to the sinking wreck of their party with a death grip. Democratic Divines were there to ask the favor of Heaven upon the proceedings.

The following extracts will illustrate the *piety* of the Convention. The Rev. Henry Clay Dean, of Iowa, an apostle of *unadulterated* Democracy, said:

"For over three years Lincoln had been calling for men, and they had been given. But with all the vast armies placed at his command, he had failed! *failed!* FAILED! Such a failure had never been known. Such destruction of human life had never been seen since the destruction of Sennacherib by the breath of the Almighty. And still the *monster usurper* wanted more men for his slaughter-pens. * * Ever since the usurper, traitor, and tyrant had occupied the Presidential chair, the Republican party had shouted 'War to the knife, and the knife to the hilt!' Blood had flowed in torrents, and yet the thirst of the old monster was not quenched. The cry was for more blood!"

The City of Chicago was a scene of revelry and excitement never before experienced. Aged Democrats, who had not given vent to their "feelings" of sympathy for their "brethren of the South," howled the veriest treason from every hall and street corner in the city where they could find an audience. C. L. Vallandigham, who had been banished from the country for treason, but had returned by way of Canada, was on the Committee to draft a platform.

Gen. McClellan was nominated for the Presidency on the first ballot, and George H. Pendleton, of Ohio, was nominated for the Vice-Presidency. The platform adopted was as follows:

"*Resolved*, That in the future, as in the past, we will adhere with unswerving fidelity to the Union under the Constitution, as

the only solid foundation of our strength, security, and happiness as a people, and as a frame-work of Government equally conducive to the welfare and prosperity of all the States, both Northern and Southern.

*Resolved*, That this Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity of a war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired. Justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate Convention of all the States, or other peaceable means, to the end that, at the earliest practicable moment, peace may be restored on the basis of the Federal Union of the States.

"*Resolved*, That the direct interference of the military authority of the United States, in the recent elections held in Kentucky, Maryland, Missouri, and Delaware, was a shameful violation of the Constitution; and the repetition of such acts in the approaching election will be held as revolutionary, and resisted with all the means and power under our control.

"*Resolved*, That the aim and object of the Democratic party is to preserve the Federal Union and the rights of the States unimpaired; and they hereby declare that they consider the administrative usurpation of extraordinary and dangerous powers not granted by the Constitution, the subversion of the civil by military law in States not in insurrection, the arbitrary military arrest, imprisonment, trial, and sentence, of American citizens in States where civil law exists in full force, the suppression of freedom of speech and of the press, the denial of the right of asylum, the open and avowed disregard of State rights, the employment of test-oaths, and the interference with and denial of the right of the people to bear arms, as calculated to prevent a restoration of the Union and the perpetuation of a government deriving its just powers from the consent of the governed.

"*Resolved*, That the shameful disregard of the Administration to its duty, in respect to our fellow citizens who now and long have been prisoners of war in a suffering condition, deserves the severest reprobation, on the score alike of public interest and common humanity.

"*Resolved*, That the sympathy of the Democratic party is heartily and earnestly extended to the soldiery of our army, who are and have been in the field under the flag of our country; and in the event of our attaining power, they will receive all the care and protection, regard and kindness, that the brave soldiers of the Republic have so nobly earned."

McClellan being informed of his nomination, accepted the same in a letter written at Orange, New Jersey, September 8th, in which among other things, he said that love for the Constitution and laws of his country have been and must continue to be the guide of his life. "The preservation of our Union was the sole object for which the war was commenced; it should have been conducted for that object only, and in accordance with those principles, which I took occasion to declare when in active service.(?) The Union was originally formed by the exercise of the spirit of conciliation and compromise."

The two great political parties were now again before the people, with principles as opposite as they were in 1860. The Democrats in the National Congress almost to a man, had, during the period of the war, opposed every measure of that body in support of a prosecution of the war; and the whole Democratic party now rallied round the standard of the "Young Napoleon," upon whose banners was inscribed: "Peace," "Conciliation," "Compromise." Meantime the Union armies in the field were reaping victories. Election day came on November 8th. Gen. McClellan had sent in his resignation as Major-General in the Army of the United States, (he had still held his commission in the army,) which was accepted by the following Order:

"War Department, Washington, Nov. 14th, 1864.

"*Ordered by the President:*

"1st. That the resignation of George B. McClellan, as Major-

General in the United States Army, dated November 8th, and received by the Adjutant-General on the 10th inst., be accepted as of the 8th of November.

2d. That for personal gallantry, military skill, and just confidence in the courage and patriotism of his troops displayed by Philip H. Sheridan, on the 19th of October, at Cedar Run, whereby, under the blessing of Providence, his routed army was reorganized, a great national disaster averted, and a brilliant victory achieved over the rebels for the third time in pitched battle within thirty days, Philip H. Sheridan is appointed Major-General in the United States Army, to rank as such from the 8th day of November, 1864.

"By order of the President of the United States.

"E. D. TOWNSEND, Assistant Adjutant-General."

In the election of 1864, 25 States voted, and 11 were not represented. The total vote cast was 4,000,850, of which Lincoln received 2,203,831; and McClellan, 1,797,019. Lincoln's majority, 406,812. The 25 States represented, gave 234 votes in the Electoral College, of which Lincoln received 213, McClellan 21. Lincoln's majority, 192. McClellan carried only three States out of the 25; two of these were Slave States. He carried Kentucky, by 36,000; New Jersey, by 7,300; and Delaware by 610 votes. (For full list of votes, see Appendix.)

This was the greatest achievement of the Union party since the war began. All the victories of the three past years together could not equal this unanimous verdict of twenty-two States out of the twenty-five that the war must go on until those in arms against Federal authority submitted to the laws.

A prominent feature of Democratic policy was hostility to the *coercive* measures of the Administration party, and a firm belief that by conciliatory measures and compromises the war would cease and the Union be restored *as it was*.

The policy of the Executive and the whole Republican party was that the American Government was at war with a party in arms against the law of the land, who had of their own acts, without provocation or attack, levied war; that the laws of the United States were the paramount laws of the land, and that one condition must be complied with by those in rebellion, and that until it was complied with, no Convention, compromise, or anything looking towards it, could be thought of. That condition was, that the people of the South *lay down their arms;* and this policy was now, by the re-election of Mr. Lincoln, fully endorsed as the policy of the Administration. At this period the whole country was in a blaze of patriotic excitement. The Administration was strengthened by this unanimous support by the people.

The news of the victory of the Republican party reached the Army and Navy, and was caught up with shouts of applause and general rejoicing. The whole country now looked the subject squarely in the face, and prepared themselves for a final struggle. *Whatever the consequences might be the war must go on*, was the universal exclamation of the Republican party. Twice the American people fought for liberty upon their own soil, and each time came out victorious. Would it now be said that a flag foreign to the American Nation floated over forts and public buildings, in defiance of law, and which could not be repossessed by the Government? Must the stars and stripes be hauled down, never to be raised again upon the soil over which they led the hosts of liberty to victory? Must a foreign and hostile Government be built upon the ruins of the American Republic? Must the horizon of National glory be dimmed by eleven of the stars forming the

galaxy of States being stricken by a rebel hand, from the blue field of the symbol of American Liberty? And must the "old flag," rent by the cruel hand of civil war, droop mournfully as an emblem of American degeneracy—the scoff and ridicule of European Nations? Such were the questions American patriots asked themselves, and the response came up from the heart as it swelled with pride and indignation—*the old flag shall float over every foot of American soil, and not a star shall be blotted or dimmed by any power opposed to America, from without or within the Union!*

The second session of the 38th Congress met on the 6th of December, 1864. At this time National affairs presented signs of increasing power. The great accumulation of war material, the increased strength of the Army and Navy, together with the march of the Union Armies towards the heart of the Rebellion, indicated a hopeful prospect of a speedy and certain end of the war.

Gen. Sherman was on his "march through Georgia." His immense army, passing over a stretch of country 300 miles to the sea, was reaping golden harvests of victory, which have placed the name and memory of Wm. T. Sherman foremost in the ranks of the most dashing and successful military heroes of any age.

Gen. Thomas was dealing severe punishment to the rebels in Tennessee. Sheridan, Kilpatrick, and a legion of others, were sweeping over Southern fields, sending in wild disorder before their fleet cavalry the affrighted and awe-stricken hosts of the South. Particularly brilliant were the achievements of the king of cavalrymen, Philip H. Sheridan, who swept, like stubble from the field, all that opposed him, as like a whirlwind he dashed down the Shenandoah Valley.

Gen. Grant, firm as a rock, was working his way inch by inch to the fountain of the Rebellion. He was encircling Lee's Army, had cut off the Weldon railroad, and was in possession of the key to Richmond, to which he held with a death grip. Meantime, the Navy showed a most efficient condition, not only in the number of ships and men, but in the great improvements in naval architecture. The powerful ironclads which now guarded the thousands of miles of sea-coast, and that were battering down Southern forts, were the most formidable floating batteries in the world. 671 vessels, carrying 4,610 guns and about 51,000 men, were in the naval service, and 324 vessels of the enemy, and carrying contraband cargoes, had been captured during the year; and a total of 1,379 vessels had been captured from the beginning of the war to December, 1864—267 of these being steamers. The proceeds from condemned prizes were $14,396,250. There had been expended on account of the Navy, for the building of the fleet of ships, as well as all other expenses, from the 4th of March, 1861, to November 1st, 1864, the sum of $238,647,262.

The Post Office showed a healthy condition, and now that the North was relieved from paying the expenses of carrying the Southern mails, this branch of the public service was upon a paying basis.

Hopeful prospects of the passage of the bill to amend the Constitution to abolish Slavery within the whole jurisdiction of the United States was entertained. (This has since passed, and is now the thirteenth amendment to the Constitution.)

The State of Nevada had been admitted into the Union. The project of the rebels to capture the steamers between New York and Aspinwall, and

those between Panama and San Francisco, had been discovered and successfully frustrated; and the "Monroe Doctrine," asserted in reference to affairs in Mexico, was strictly maintained. The condition of the country generally was prosperous; large harvests, and active employment for all classes of industry, with a spirit of enterprise and speculation, gave greater activity to every branch of trade than had been known for many years.

To illustrate the hopeful views of the Executive, a few extracts from his annual message of the 6th of December, 1864, are here given:

"Again, the blessings of health and abundant harvests claim our profoundest gratitude to Almighty God. The condition of our foreign affairs is reasonably satisfactory. Mexico continues to be a theatre of civil war. While our political relations with that country have undergone no change, we have, at the same time, strictly maintained neutrality between the two belligerents. * * * * The war continues. Since the last annual message, all the important lines and positions then occupied by our forces have been maintained, and our arms have steadily advanced; thus liberating the regions left in the rear, so that Missouri, Kentucky, Tennessee, and parts of other States, have again produced reasonable crops.

"The most remarkable feature in the military operations of the year is Gen. Sherman's attempted march of three hundred miles directly through the insurgent region. It tends to show a great increase of our relative strength that our General-in-Chief should feel able to confront and hold in check every active force of the enemy, and yet to detach a well appointed large army to move on such an expedition. The result is not yet being known; conjecture in regard to it, is not indulged.

"Important movements have also occurred during the year to the effect of moulding society for durability in the Union. Although short of complete success, it is much in the right direction, that twelve thousand citizens in each of the States of Arkansas and Louisiana have organized State Governments, with free Constitutions, and are earnestly struggling to maintain and

administer them. The movements in the same direction, more extensive, though less definite, in Missouri, Kentucky, and Tennessee, should not be overlooked. But Maryland presents the example of complete success. Maryland is secure to Liberty and Union for all the future. The genius of Rebellion will no more claim Maryland. Like another foul spirit, being driven out, it may seek to tear her, but it will woo her no more. * * Of course, the abstract question is not changed; but an intervening election shows, almost certainly, that the next Congress will pass the measure if this does not. Hence there is only a question of time, as to when the proposed amendment will go to the States for their action. And as it is to go, at all events, may we not agree that the sooner the better?

"It is now claimed that the election has imposed a duty on members to change their views or their votes, any further than, as an additional element to be considered, their judgment may be effected by it. It is the voice of the people now, for the first time, heard upon the question. In a great national crisis like ours, unanimity of action among those seeking a common end is very desirable, almost indispensable. And yet no approach to such unanimity is attainable unless some deference shall be paid to the will of the majority. In this case, the common end is the maintenance of the Union; and, among the means to secure that end, such will, through the election, is most clearly declared in favor of such constitutional amendment.

"The most reliable indication of public purpose in this country is derived through our popular elections. Judging by the recent canvass and its result, the purpose of the people, within the legal States, to maintain the integrity of the Union, was never more firm nor more nearly unanimous than now. The extraordinary calmness and good order with which the millions of voters met and mingled at the polls, give strong assurance of this. Not only all those who supported the Union ticket, so called, but a great majority of the opposing party also may be fairly claimed to entertain and to be actuated by the same purpose.

"It is an unanswerable argument to this effect, that no candidate for any office whatever, high or low, has ventured to seek votes on the avowal that he was for giving up the Union. There has been much impugning of motives, and much heated controversy as to the proper means and best mode of advancing the Union cause; but on the distinct issue of Union or no Union,

the politicians have shown their instinctive knowledge that there is no diversity among the people. In affording the people the fair opportunity of showing, one to another and to the world, this firmness and unanimity of purpose, the election has been of vast value to the national cause. * * * * So much is shown, affirmatively and negatively, by the election. It is not material to inquire how the increase has been produced, or to show that it would have been greater but for the war, which is probably true. The important fact remains demonstrated, that we have more men now than we had when the war began; that we are not exhausted nor in process of exhaustion; that we are gaining strength, and may, if need be, maintain the contest indefinitely. This as to men. Material resources are now more complete and abundant than ever.

"The National resources, then, are unexhausted, and, as we believe, inexhaustible. The public purpose to re-establish and maintain the National authority is unchanged, and, as we believe, unchangeable. The manner of continuing the effort remains to choose. On careful consideration of all the evidence accessible, it seems to me that no attempt at negotiation with the insurgent leader could result in any good. He would accept of nothing short of severance of the Union—precisely what we will not and cannot give. His declarations to this effect are explicit and oft repeated. He does not attempt to deceive us. He affords us no excuse to deceive ourselves.

"He cannot voluntarily re-accept the Union; we cannot voluntarily yield it. Between him and us the issue is distinct, simple, and inflexible. It is an issue which can only be tried by war and decided by victory. If we yield, we are beaten; if the Southern people fail him, he is beaten. Either way it would be victory and defeat following war. What is true, however, of him who heads the insurgent cause, is not necessarily true of those who follow.

"Although he cannot re-accept the Union, they can. Some of them, we know, already desire peace and reunion. The number of such may increase. They can, at any moment, have peace simply by laying down their arms and submitting to the National authority under the Constitution. After so much, the Government could not, if it would, maintain war against them. The loyal people would not sustain or allow it. * * * A year ago general pardon and amnesty, upon specified terms,

were offered to all, except certain designated classes, and it was, at the same time, made known that the excepted classes were still within contemplation of special clemency. During the year many availed themselves of the general provision, and many more would, only that the signs of bad faith in some led to such precautionary measures as rendered the practical process less easy and certain. During the same time, also, special pardons have been granted to individuals of the excepted classes, and no voluntary application has been denied.

"Thus, practically, the door has been, for a full year, open to all, except such as were not in condition to make free choice —that is, such as were in custody, or under constraint. It is still so open to all. But the time may come—probably will come—when public duty demands that it be closed, and that in lieu, more vigorous measures than heretofore shall be adopted.

"In presenting the abandonment of armed resistance to the National authority on the part of the insurgents, as the only indispensable condition to ending the war on the part of the Government, I retract nothing heretofore said as to Slavery. I repeat the declaration made a year ago, that 'while I remain in my present position, I shall not attempt to retract or modify the Emancipation Proclamation, nor shall I return to Slavery any person who is free by the terms of that proclamation, or by any act of Congress.'

"If the people should, by whatever mode or means, make it an Executive duty to re-enslave such persons, *another, and not I, must be their instrument to perform it.*

"In stating a single condition of peace, I mean to say that the war will cease on the part of the Government whenever it shall have ceased on the part of those who began it."

The able statesman and patriot, W. H. Seward, Secretary of State of the United States, steadfast and hopeful as to the result of the Union cause, being called out to speak before a gathering of Republicans at Washington City, September 14th, 1864, said:

"Fellow citizens: The Democracy at Chicago, after waiting six weeks to see whether this war for the Union is to succeed or fail, finally concluded that it would fail; and therefore went in for a nomination and platform to make it the sure thing by a cessation of hostilities and an abandonment of the contest. At

Baltimore, on the contrary, we determined that there should be no such thing as failure; and therefore we went into save the Union by battle to the last. *Sherman and Farragut have knocked the bottom out of the Chicago nominations;* and the elections in Vermont and Maine prove the Baltimore nominations staunch and sound. The issue is thus squarely made up—*McClellan and Disunion, or Lincoln and Union.* Have you any doubt of the result on that issue? [Cries of No! No!] Nor do *I* have any doubt. Many thanks, my friends, for this visit."

In strong contrast with the views of Mr. Lincoln and Mr. Seward, were the views of Jefferson Davis, President of the Confederacy. The following extracts are from his message to the Rebel Senate and House of Representatives, dated May 2d, 1864. He said:

"You are assembled under circumstances of deep interest to your country; and it is fortunate that, coming as you do, newly elected by the people and familiar with the condition of the various localities, you will be the better able to devise measures adapted to meet the wants of the public service without imposing unnecessary burdens on the citizens. The brief period which has elapsed since the last adjournment of Congress has not afforded sufficient opportunity to test the efficacy of the most important laws then enacted, nor have the events occurring in the interval been such as materially to change the state of the country.

"The unjust war commenced against us, in violation of the rights of the States, and in usurpation of power not delegated to the Government of the United States, is still characterized by the barbarism with which it has heretofore been conducted by the enemy. Aged men, helpless women and children, appeal in vain to the humanity which should be inspired by their condition, for immunity from arrest, incarceration, or banishment from their homes. Plunder and devastation of the property of non-combatants, destruction of private dwellings, and even of edifices devoted to the worship of God, expeditions organized for the sole purpose of sacking cities, consigning them to the flames, killing the unarmed inhabitants, and inflicting horrible outrages on women and children, are some of the constantly recurring atrocities of the invader. It cannot be reasonably pretended that such acts conduce to any end which their authors

dare avow before the civilized world, and sooner or later Christendom must mete out to them the condemnation which such brutality deserves. The sufferings thus ruthlessly inflicted upon the people of the invaded districts has served but to illustrate their patriotism. Entire unanimity and zeal for their country's cause have been pre-eminently conspicuous among those whose sacrifices have been greatest. So the army which has borne the trials and dangers of the war—which has been subjected to privations and disappointments (tests of manly fortitude far more severe than the brief fatigues and perils of actual combat) has been the centre of cheerfulness and hope. From the camp comes the voice of the soldier patriot invoking each who is at home, in the sphere he best may fill, to devote his whole energies to the support of a cause, in the success of which their confidence has never faltered. They, the veterans of many a hard-fought field, tender to their country, without limit of time, a service of priceless value to us, one which posterity will hold in grateful remembrance.

"In considering the state of the country, the reflection is naturally suggested that this is the third Congress of the Confederate States of America. The Provisional Government was formed, its Congress held four sessions, lived its appointed term, and passed away. The permanent Government was then organized, its different departments established, a Congress elected, which also held four sessions, served its full constitutional term, and expired. You, the second Congress under the permanent Government, are now assembled at the time and place appointed by law for commencing your session. All these events have passed into history, notwithstanding the threat of our prompt subjugation, made three years ago, by a people that presume to assert a title to govern States whose separate and independent sovereignty was recognized by treaty with France and Great Britain in the last century, and remained unquestioned for nearly three generations. Yet these very Governments, in disregard of duty and treaty obligations, which bind them to recognize as independent Virginia and other Confederate States, persist in countenancing, by moral influence, if not in aiding by unfair and partial action, the claim set up by the Executive of a foreign Government to exercise despotic sway over the States thus recognized, and treat the invasion of them by their former limited and special agent as though it were the attempt of a sovereign to suppress a rebellion against lawful authority."

# CHAPTER XIX.

PERPLEXITIES OF THE PRESIDENT OF THE "CONFEDERACY."—HIS MESSAGE TO CONGRESS.—HE RELIES UPON THE "UNQUENCHABLE" SPIRIT OF THE PEOPLE.—HE IS GRIEVED AT THE NON-RECOGNITION OF HIS GOVERNMENT BY OTHER NATIONS.—HIS VIEWS UPON PLACING THE NEGRO IN THE ARMY.—PEACE COMMISSIONERS FROM THE SOUTH.—SECOND INAUGURATION OF ABRAHAM LINCOLN AS PRESIDENT.—HIS INAUGURAL ADDRESS.—HOPEFUL PROSPECTS OF THE UNION CAUSE.—STRENGTH OF AND OPERATIONS OF THE NAVY.—ATTACK ON AND FALL OF FORT FISHER.—REBEL PRIVATEERS.—WHERE BUILT.—CAPTURE OF.—SINKING OF THE "ALABAMA" BY THE "KEARSARGE."—UNITED STATES NAVY IN THE WAR OF 1812.—COLORED SOLDIERS IN THE ARMY.

THE next message of the President of the Southern Confederacy was delivered at Richmond, on the 7th day of November, 1864. The "President" was still hopeful of ultimate success. Still the reader cannot but perceive a wavering in the mind of Mr. Davis. His calls upon Divine power are louder and oftener repeated than at any previous time. His tone, both in the praises of the Confederate Armies and his denunciation of the "barbarities" of the invader, is much subdued. His disgust at the non-recognition of the independence of the Confederacy by foreign nations is very great. His views of placing negroes in the army in the service of the Government, and their "chattel" status, are happily conformable to the true spirit of Democracy as practiced by the party to which he belongs. Still he thinks that if the negro would do good service in fighting the "invader," that it would be well to offer him his liberty, and he is in favor of making them prisoners and "augmenting their numbers" in the service.

How little did the "President" dream that in five

months from that very day the Capitol of the Confederate Government, wherein he delivered that message, should serve as a banquet hall for the victorious legions of the North, and that he himself should be escaping for his life in the guise of another sex. And yet this was so. A little more than five months and he was in a felon's cell; the armies of his "Government" dispersed; their arms parked; the American flag floating triumphantly over the dome of his late Capitol, and the war ended.

Following are extracts from Jefferson Davis' message, dated November 7th, 1864, alluded to:

"It is with satisfaction that I welcome your presence at an earlier day than that usual for your session, and with confidence that I invoke the aid of your counsel at a time of such public exigency. The campaign which was commenced almost simultaneously with your session in May last, and which was still in progress at your adjournment in the middle of June, has not yet reached its close. It has been prosecuted on a scale and with an energy heretofore unequaled. When we revert to the condition of our country at the inception of the operations of the present year, to the magnitude of the preparations made by the enemy, the number of his forces, the accumulation of his warlike supplies, and the prodigality with which his vast resources have been lavished in the attempt to render success assured; when we contrast the numbers and means at our disposal for resistance, and when we contemplate the results of a struggle apparently so unequal, we cannot fail, while rendering the full meed of deserved praise to our Generals and soldiers, to perceive that a power higher than man has willed our deliverance, and gratefully to recognize that the protection of a kind Providence in enabling us successfully to withstand the utmost efforts of the enemy for our subjugation. * * * If we now turn to the results accomplished by the two great armies, so confidently relied on by the invaders as sufficient to secure the subversion of our Government and the subjection of our people to foreign domination, we have still greater cause for devout gratitude to Divine power. In Southwestern Virginia successive

armies, which threatened the capture of Lynchburg and Saltville, have been routed and driven out of the country, and a portion of Eastern Tennessee reconquered by our troops. In Northern Virginia, extensive districts formerly occupied by the enemy are now free from their presence. In the lower valley, their General, rendered desperate by his inability to maintain a hostile occupation, has resorted to the infamous expedient of converting a fruitful land into a desert by burning its mills, granaries, and homesteads, and destroying the food, standing crops, live stock, and agricultural implements of peaceful non-combatants. The main army, after a series of defeats in which its losses have been enormous; after attempts, by raiding parties, to break up our railroad communications, which have resulted in the destruction of a large part of the cavalry engaged in the work; after constant repulse of repeated assaults on our defensive lines is, with the aid of heavy reinforcements, but with, it is hoped, waning prospect of further progress in the design, still engaged in an effort, commenced more than four months ago, to capture the town of Petersburg.

"The army of Gen. Sherman, although succeeding at the end of the summer in obtaining possession of Atlanta, has been unable to secure any ultimate advantage from this success. The same General who, in February last, marched a large army from Vicksburg to Meridan with no other result than to be forced to march back again, was able, by the aid of greatly increased numbers, and after much delay, to force a passage from Chattanooga to Atlanta, only to be for the second time compelled to withdraw on the line of his advance, without obtaining control of a single mile of territory beyond the narrow track of his march, and without gaining aught beyond the precarious possession of a few fortified points, in which he is compelled to maintain heavy garrisons, and which are menaced with recapture.

"The lessons afforded by the history of this war are fraught with instruction and encouragement. Repeatedly during the war have formidable expeditions been directed by the enemy against points ignorantly supposed to be of vital importance to the Confederacy. Some of these expeditions have, at immense cost, been successful; but in no instance have the promised fruits been reaped. Again, in the present campaign, was the delusion fondly cherished that the capture of Atlanta and Richmond would, if effected, end the war by the overthrow of our Govern-

ment and the submission of our people. We can now judge by experience how unimportant is the influence of the former event upon our capacity for defense, upon the courage and spirit of the people, and the stability of the Government. We may, in like manner, judge that if the campaign against Richmond had resulted in success instead of failure; if the valor of the army, under the leadership of its accomplished Commander, had resisted in vain the overwhelming masses which were, on the contrary, decisively repulsed; if we had been compelled to evacuate Richmond as well as Atlanta, the Confederacy would have remained as erect and defiant as ever. Nothing could have been changed in the purpose of its Government, in the indomitable valor of its troops, or in the unquenchable spirit of its people. The baffled and disappointed foe would in vain have scanned the reports of your proceedings, at some new legislative seat, for any indication that progress had been made in his gigantic task of conquering a free people. The truth, so patent to us, must ere long be forced upon the reluctant Northern mind. There are no vital points on the preservation of which the continued existence of the Confederacy depends. There is no military success of the enemy which can accomplish its destruction. Not the fall of Richmond, nor Wilmington, nor Charleston, nor Savannah, nor Mobile, nor of all combined, can save the enemy from the constant and exhaustive drain of blood and treasure, which must continue until he shall discover that no peace is attainable unless based on the recognition of our indefeasible rights. * * We seek no favor, we wish no intervention; we know ourselves fully competent to maintain our own rights and independence against the invaders of the country, and we feel justified in asserting that, without the aid derived from recruiting their armies from foreign countries, they would, ere this, have been driven from our soil. When the Confederacy was refused recognition by Great Britain, in the fall of 1862, the refusal was excused on the ground that any action of Her Majesty's Government would have the effect of inflaming the passions of the belligerents, and of preventing the return of peace. It is assumed that this opinion was sincerely entertained, but the experience of two years of unequal carnage shows that it was erroneous, and the result was the reverse of what the British ministry humanely desired. A contrary policy, a policy just to us, a policy diverging from an unvarying course of concession to all the demands of our enemies, is still within the

power of her Majesty's Government, and would, it is fair to presume, be productive of consequences the opposite to those which have, unfortunately, followed its whole course of conduct from the commencement of the war to the present time. In a word, peace is impossible without independence, and it is not to be expected that the enemy will anticipate neutrals in the recognition of that independence. When the history of this war shall be fully disclosed, the calm judgment of the impartial publicist will, for these reasons, be unable to absolve the neutral nations of Europe from a share in the moral responsibility for the myriads of human lives that have been unnecessarily sacrificed during its progress.

"The renewed instances in which foreign power have given us just cause of complaint need not here be detailed. The extracts from the correspondence of the State Department, which accompany this message, will afford such further information as can be given without detriment to the public interest, and we must reserve for the future such action as may then be deemed advisable to secure redress. * * * * The employment of slaves for service with the army as teamsters, or cooks, or in the way of work upon fortifications, or in the Government workshops, or in hospitals, and other similar duties, was authorized by the Act of the 17th of February last, and provision was made for their impressment, to a number not exceeding twenty thousand, if it should be found impracticable to obtain them by contract with the owners. The law contemplated the hiring only of the labors of these slaves, and imposed on the Government the liability to pay for the value of such as might be lost to the owners from casualties resulting from their employment in the service.

"The Act has produced less result than was anticipated, and further provision is required to render it efficacious. But my present purpose is to invite your consideration to the propriety of a radical modification in the theory of the law.

"Viewed merely as property, and therefore as the subject of imprisonment, the service or labor of the slave has been frequently claimed for short periods, in the construction of defensive works. The slave, however, bears another relation to the State—that of a person. The law of last February contemplates the relation of the slave to the master, and limits the impressment to a certain term of service. But for the purposes enu-

merated in the Act, instruction in the manner of encamping, marching, and parking trains is needful, so that even in this limited employment, length of service adds greatly to the value of the negro's labor. Hazard is also encountered in all the positions to which negroes can be assigned with the army, and the duties required of them demand loyalty and zeal.

"In this aspect, the relation of person predominates so far as to render it doubtful whether the private rights of property can consistently and beneficially continue, and it would seem proper to acquire for the public service the entire property in the labor of the slave, and to pay therefor due compensation rather than to impress his labor for short terms; and this the more especially as the effect of the present law would vest this entire property in all cases where the slave might be recaptured after compensation for his loss had been paid to the private owner. Whenever the entire property in the service of a slave is thus acquired by the Government, the question is presented by what tenure he should be held. Should he be retained in servitude, or should his emancipation be held out to him as a reward of faithful service, or should it be granted at once on the promise of such service; and, if emancipated, what action should be taken to secure the freed man the permission of the State from which he was drawn to reside within its limits after the close of his public service? The permission would doubtless be more readily accorded as a reward for past faithful service, and a double motive for zealous discharge of duty would thus be offered to those employed by the Government, their freedom, and the gratification of the local attachment which is so marked a characteristic of the negro, and forms so powerful an incentive to his action. The policy of engaging to liberate the negro on his discharge after service faithfully rendered, seems to me preferable to that of granting immediate manumission, or that of retaining him in servitude. If this policy should recommend itself to Congress, it is suggested that, in addition to the duties heretofore performed by the slave, he might be advantageously employed as a pioneer and engineer laborer; and in that event, that the number should be augmented to forty thousand. * * *

"The disposition of this Government for a peaceful solution of the issues which the enemy has referred to the arbitrament of arms, has been too often manifested, and is too well known to need new assurances. But, while it is true that individuals and

parties in the United States have indicated a desire to substitute reason for force, and by negotiation to stop the further sacrifice of human life, and to arrest the calamities which now afflict both countries, the authorities who control the Government of our enemies have too often and too clearly expressed their resolution to make no peace except on terms of our unconditional submission and degradation, to leave us any hope of the cessation of hostilities until the delusion of their ability to conquer us is dispelled."

During the months of January and February, 1865, Alexander H. Stephens, Vice-President of the Confederacy, R. M. T. Hunter and John A. Campbell, were sent by Davis as Commissioners to treat upon terms of peace with the President of the United States.

They were met on February 3d by President Lincoln and W. H. Seward, Secretary of State; but no terms were agreed upon, so the Commissioners returned to Richmond and the Administration determined to fight it out.

The sanguine struggle could not end by compromise. Since the days in which the Constitution was framed, up to the hour of the commencement of the Rebellion, *compromise* had been strained to its very last stretch of endurance. Two conditions were precedent to any termination by either party. The Administration of the United States said, that to warrant even a cessation of hostilities, the people of the South must lay down their arms; and the South said, that recognition of them as a Nation must precede any cessation on their part.

On the 4th of March, 1865, Abraham Lincoln was inaugurated as President of the United States for the second time. His Inaugural Address was brief and seemed to be inspired with a calm yet dignified tone of philosophical hope; it was as follows:

"*Fellow Countrymen:*

"At this second appearing to take the oath of the Presidential

office, there is less occasion for an extended address than there was at the first. Then, a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the Nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it; all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would make war rather than let the Nation survive; and the other would accept war rather than let it perish. And the war came.

"One-eighth of the whole population was colored slaves, not distributed generally over the Union, but legalized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already obtained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered; that of neither has been answered fully. The Almighty has His own purposes. 'Woe unto the world because of offenses! for it must

needs be that offenses come, but woe to that man by whom the offense cometh.' If we shall suppose American Slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believer in a living God always ascribes to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said: 'The judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and for his orphan; to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations."

At this period the condition of the country was most hopeful. The victories of the Federal Armies were such as to lead to the belief that the enemy must soon abandon all hope of success. The Cabinet, Congress, and the people were in harmony with the expressed views of the Executive, and as the events from this period to the close of the war were most important, the leading ones are here given in chronological order more fully than the sphere of this volume would admit, were it not that they bear so important a part upon the succeeding political affairs of the Nation.

Throughout the month of December, 1864, there was a succession of Union victories. Gens. Sherman, Warren, Miles, Burbridge, Hazen, Thomas, Stoneman, and McCook, were defeating and driving the enemy

from his stronghold. Among the most prominent achievements of this period was the great victory of Gen. Thomas near Nashville, December 15th, in which he captured 17 cannon, and 1,500 prisoners; the defeat of the rebel Gen. Forrest with a loss of 1,500 in killed and wounded; the rebel Gen. Hood's complete rout before Nashville, and his loss of 13,189 prisoners, 2,207 deserters, 30 cannon, and 7,000 small arms; the capture of the rebel Gen. Quantrel, December 18th, 1864, and the occupation of Savannah by Gen. Sherman, who captured 800 prisoners, 150 pieces of artillery, 3 steamers, and 33,000 bales of cotton, on December 21st, 1864.

The year 1865 dawned upon the Nation with most auspicious prospects of speedy victory. "Sherman's march to the sea" had inspired the people with hope, and no difficulty was now felt in filling up the depleted ranks of the army, thinned during the past year. The spring campaign found the army in strong force, and well prepared for active service. The aggregate National military force on the 1st day of March, 1865, of all arms, officers and men, was 965,591. In two months from that date the forces were augmented to 1,000,516 of all arms, officers and men. This was the largest number of troops in the army at any one time since the beginning of the Rebellion, and clearly indicated the determination of the people to adhere to the doctrine of the President, that the only condition upon which hostilities could cease, would be the laying down of their arms by the forces against Federal authority. Of the number of troops enlisted during the war, 178,975 were colored. On the 15th of July, 1865, there were 123,156 colored troops in the service, organized into one hundred and twenty regiments of infantry,

twelve regiments of heavy artillery, and seven regiments of cavalry.

The attack and capture of Fort Fisher on the 15th of January, 1865, with 2,500 prisoners, 72 guns, Federal loss 691, in which there were engaged forty-four war vessels of various classes, some of them formidable ironclads, besides fourteen vessels held as a reserve, was one of the grandest achievements of the war; and the fleet attacking, was perhaps as powerful a naval force as ever engaged a fort, and considering the capacity and formidable character of the vessels engaged, exhibits plainly that no fort can be constructed by man, that cannot in time be reduced and cut down by the conical missiles of modern invention, directed by the floating iron batteries known as "Ironclads." That the American Rebellion did revolutionize the world in this department, and render useless for attack the old style of "wooden walls," no one will deny. Nor will any denial be made of the fact that the American Navy at the close of the war in the spring of 1865, was the most powerful naval force for home defense of any Nation of the earth; and notwithstanding the supposed inefficiency in the sea-going qualities of this class of naval ships, it is fair to conclude that America, at least upon her own seacoast, is impregnable against the combined navies of Europe. The extent, operations, and efficiency of the American Navy, form a most interesting part of the history of the Republic. The marvelous rapidity with which the navy was raised from its insignificant condition in 1861, to its powerful efficiency in 1865, demonstrates the great resources and the ability of the American people to provide against emergencies however gigantic; and the splendid achievements of the

ironclads upon the forts of the enemy during the Rebellion, exhibit the most remarkable and skillful combination of naval power ever exhibited in the world. At the breaking out of the Rebellion, many of the best war ships were on distant and foreign seas; and most of the officers at home and abroad were brought up in the old school Democratic faith, and were of Southern birth or Southern politics, of whom three hundred and twenty-two traitorously abandoned their posts, and in violation of their solemn oaths, abandoned the flag they swore to support, and enlisted under the flag of the rebels.

At the beginning of the year 1861 the navy consisted of five squadrons of 35 vessels, with 445 guns. From March 4th, 1861, to the end of the war, 208 vessels were constructed, and during the same period 418 were purchased, making 626 vessels in all; of these, 313 were steamers. On the 1st day of January, 1865, the squadron blockading the vast rebel sea-coast was 471 vessels, carrying 2,455 guns; this was exclusive of the force on other duties, 213, making 684 vessels in all. The number of men in the navy, at the beginning of the war, was 7,844. This number had been increased to 51,500 at its close, in April, 1865. The total number of men employed in the navy yards of the Republic, in 1861, was 3,844. This had increased to 16,880 in 1865, and does not include the number employed in private yards building Government vessels, which was equal to the number in the navy yards.

The ravages of rebel pirates during the war were very great, and their acts of vandalism upon the peaceful mercantile marine, penetrating far into the Pacific seas and burning the inoffensive fishing fleets, exhibited the characteristic villainy of those engaged in it. In their

operations they were aided by the British Government, which smiled a bland acquiescence in their atrocities, by permitting ships to be built, equipped and manned for their service throughout the British empire. Among the most formidable of the English pirates thus preying upon American commerce was the *Sea King*, built at Glasgow, Scotland, afterwards known as the *Shenandoah*. She continued her depredations for four months after the fall of Richmond, and did not desist until her Commander, Capt. Wadell, was assured that Jefferson Davis was in prison, and Lee on parole. On the 6th of November, 1865, the *Shenandoah* entered the Mersey, and Wadell, in a formal written letter, surrendered her to the British authorities.

The *Stonewall*, built in France, was another formidable rebel cruiser. The *Alabama*, *Florida* and *Georgia* also were pests of the seas. In 1864 the British added to the rebel fleet three other cruisers—the *Chickamauga*, *Olustee* and *Tallahassee*. The *Florida*, after preying long upon the peaceful commerce, ran into the Brazilian port of Bahia, October 5th, 1864. The United States steamer *Wachusett*, Capt. Collins, was lying in the harbor. The *Florida*, for her security from the *Wachusett*, dropped her anchor in the midst of the Brazilian fleet, and directly under the guns of the fort on shore. The gallant Capt. Collins, finding that the pirate would not leave the port, and that he could not fight her in neutral waters, determined to possess himself of her, and at 3 o'clock on the morning of the 7th, while she lay at anchor, directly under the guns of the fort, the *Wachusett*, under full steam, and, intending to sink her, ran upon her with full speed, but did not effect her object. Collins at once demanded her surrender; a few shots were fired from the small arms of both parties. About

half of the crew of the *Florida* were on shore having a "good time," and the officer in charge, finding himself overpowered, was compelled to surrender. Quick as thought the *Florida* was boarded, a hawser made fast to her from the *Wachusett*, which, with full steam, put to sea with the prize, paying no attention to the challenge from the Brazilian fort and fleet, which sent shots flying after her. The *Wachusett* was too swift for the Brazilian ships that gave her chase. Collins brought the *Wachusett* and *Florida* into Hampton Roads, where, a few days later, the latter was sunk by collision.

The Government disapproved of Collins' act, upon the grounds of the illegality of making the capture in a neutral port, suspended him from duty, and ordered him to appear before a Court Martial.

The rebel cruiser *Georgia* was taken a prize twenty miles off the port of Lisbon, by the United States frigate *Niagara*, Capt. Craven, during the year 1864.

The *Alabama*, already mentioned, had a long and prosperous career. She had swept the Indian Ocean and South Atlantic of American commerce, and found her way again to European waters. In June, 1864, she entered the port of Cherbourg, France. The United States gunboat *Kearsarge* was lying in the Dutch harbor of Flushing; and on her Commander being notified by telegraph, started at once to look after the pirate. Semmes was in command of the *Alabama*, and fearing that he might not meet the *Kearsarge*, he dispatched, on June 15th, 1864, while in the port of Cherbourg, a note to Capt. Winslow, of the *Kearsarge*, not to leave, as he wanted to fight him; so that a meeting of the hostile ships was easy and certain. On Sunday, June 19th, 1864, at $10\frac{1}{2}$ o'clock A. M., they met, seven miles outside the harbor of Cherbourg, the *Ala-*

*bama* flying the rebel ensign, eager for the fray. She was followed, as an escort and friend, by the British pleasure steam yacht *Deerhound*. They steamed directly for the *Kearsarge*, which was making towards the harbor, and while yet a mile distant, the *Alabama* opened fire upon the *Kearsarge*. The *Alabama*'s gunners were British subjects, trained on board the British ship *Excellent*, at Portsmouth; but their skill, when compared to that of the gunners of the *Kearsarge*, was very indifferent. The ships were of about the same size and calibre, the odds being in favor of the *Alabama*. She was 600 horse power, the *Kearsarge* 400. The *Alabama* had 8 guns, the *Kearsarge* but 7 guns. The *Alabama* had 150 men and officers, the *Kearsarge* had 162. The combatants now nearing each other, formed a circle, in which they coursed, sending volleys of shot at each other from their 32-pounders. The combat lasted an hour, when the shells from the *Kearsarge* began to tell upon the *Alabama*. Her sides were torn to shreds with the constant and well directed volleys from the *Kearsarge;* eighteen or twenty of her crew were disabled, and nine killed by the explosion of shells. The fate of the *Alabama* was evident. Sail was now hoisted, and she headed for land. The *Deerhound* made to her rescue and took on board Capt. Semmes and 60 men and officers. The *Alabama* now struck her flag, but still headed towards shore. Winslow continued to pour his well directed fire upon her, crushing her to atoms. Nine miles from the harbor of Cherbourg, from which she a few hours before had sailed to engage in voluntary fight, the *Alabama* sank, reeling beneath the stars and stripes that floated in victory from the *Kearsarge*, the cannon's roar and the hearty cheers of the patriotic crew of the *Kearsarge* ringing out her death knell, as

with a plunge she sank into her fretful sepulchre. About sixty of the *Alabama's* crew were made prisoners by the *Kearsarge*.

The whole expense of the navy during the four years of war, as reported by the Secretary of War, December 4th, 1865, was $314,170,960. To offset this the value of property captured by the navy during the same period was $21,829,543; and the value of the vessels captured and destroyed (having been built and fitted out in British ports for the rebel service as blockade runners,) was $31,500,000, making $63,329,543 in all. The captures during the period from May 1st, 1861, to the end of the war, was 1,151 vessels, as follows: 210 steamers; 569 schooners; 139 sloops; 13 ships; 29 brigs; 25 barks; 2 yachts; 139 small boats; 6 rebel rams; 10 armed schooners and sloops; 7 others, class unknown. There were, in addition to these, sunk, burned, and destroyed by the navy during the war, 85 steamers; 114 schooners; 32 sloops; 2 brigs; 4 bark; 2 ships; 96 small boats; 5 rebel rams; 4 ironclads; 1 other armed vessel, making a total of 355, and a grand total, captured and destroyed, of 1,504 of all classes.

The naval force of the United States, at the close of the war in 1812, consisted of 301 vessels; besides these, there were 517 commissioned privateers. These latter captured 1,428 vessels, and the vessels of the regular navy captured 291 vessels—making the total naval force 811 vessels, and the total captures 1,719 vessels. In the Revolutionary War of 1776, the navy consisted of 4 vessels only.

With the end of the Rebellion, the seas were cleared of Confederate rovers; and the gallant officers and men of the navy, were entitled to a large share of national gratitude for their efficient and patriotic de-

votion and aid to the cause of human freedom. Those who have distinguished themselves by devotion and heroism are a host; and while the name of each cannot find a place in these limited pages, three only will be mentioned, in each of whom every true lover of American liberty, and every heart that can appreciate patriotism and devotion to the science of war, will hold in grateful remembrance the names of Dahlgren, Porter, and last, but not least, the sea king of the age, the matchless Admiral D. G. Farragut.

## CHAPTER XX.

STRENGTH OF THE ARMY.—IMPORTANT BATTLES.—FALL OF RICHMOND.—DISORDERED FLIGHT OF THE INHABITANTS.—SURRENDER OF LEE AND JOHNSTON.—NUMBER OF TROOPS IN THE FIELD.—NUMBERS SLAIN.—NUMBER OF COLORED SOLDIERS.—POPULATION OF NORTH AND SOUTH.—GRANT'S AND SHERMAN'S FAREWELL ADDRESSES TO THEIR SOLDIERS.—JEFF. DAVIS ISSUES A PROCLAMATION.—HIS FLIGHT SOUTHWARD.—HIS CAPTURE.

THE total strength of the army, early in the year 1865, has been already shown. On the 1st of January it was officered by 66 Major-Generals and 267 Brigadier-Generals.

The first event of the year was the arrival of Gen. Grierson at Vicksburg, January 5th, after having destroyed 100 miles of railroad in the rebel States, capturing 600 prisoners and 1,000 contrabands (colored citizens). Next followed the capture of Fort Fisher, already alluded to. February 6th, the Army of the Potomac gained a victory over the rebels at Hatcher's Run, Virginia: Union loss, 232 killed; rebel loss, 1,200 killed. February 22d, Wilmington, North Carolina, occupied. February 18th, Charleston, South Carolina, surrendered. March 10th, capture of Kingston, North Carolina: Union loss, 650 killed, and 1,500 wounded; rebel loss, 2,400 killed, wounded and missing. March 25th, battle of Fort Stedman, Virginia: Union loss, 171 killed, 1,236 wounded, and 983 prisoners; rebel loss, 3,200 killed and wounded, and 1,881 prisoners. March 29th, battle of Hatcher's Run and Five Forks, Virginia: Union loss, 5,000 killed, wounded and missing; rebel loss, 4,500 killed and wounded, and 7,000 prisoners.

April 2d, assault at Petersburg, Virginia: Union loss, 5,000 killed and wounded; rebel loss, 5,000 killed and wounded, and 8,000 prisoners. April 6th, battle of Deatonville, Virginia: Union loss, 1,000 killed and wounded; rebel loss, 7,700 prisoners, killed and wounded not reported.

The first of April found Gen. Grant planted before the gates of Richmond—the rebel Capital. His veterans were about him. President Lincoln was at City Point, Virginia, and in constant communication with the Army and with Washington by telegraph. Lee with *his* veterans was at Petersburg and Richmond, determined to hold his position; but the fates were against him. The armies of conquest were within sight of the smoke of the chimneys of the rebel Capital, eager for the assault that should destroy the rebel power. The impetuous Sheridan was dashing his invincible cavalry, ten thousand strong, in the face of the enemy. Meade, Ord, Warren, Griffin, Humphreys, Gregg, Gibbs, Merritt, McKenzie, Winthrop, Mills, Crawford, and a host of others, had concentrated their commands around Richmond and Petersburg, and it would seem as if the whole Army of the Republic was centered about the Capital of the Confederacy. The powerful armies of the Union were closing in upon the enemy. On the morning of the 1st of April a general advance was ordered by Gen. Grant along the whole line, and as if by magic the whole force advanced. Sheridan was in his glory. He had under his immediate command about ten thousand veteran cavalry, and soon they began to inflict terrible punishment upon the enemy. Grant's forces, under the command of the veteran Corps Commanders, moved steadily forward, and inch by inch

pushed the enemy at the point of the bayonet, who fell back before the resistless forces of the Union, as if it were an avalanche. Throughout the entire day of the 2d, the contest had been stubborn and hard-fought; but each hour brought the soldiers of the Republic over new intrenchments and across the heaps of their slain comrades and of the enemy, and closer to the heart of the rebel Capital. The sky was lurid with smoke and flame; and for miles around the rebel stronghold, the scene was fearfully destructive and appalling. Before 10 o'clock on the morning of the 2d, Lee, who was in command of the rebel forces and who had lost over 10,000 of his men within the last two days, saw the hopelessness of his position, and at 10 o'clock A.M., telegraphed from Petersburg to Jefferson Davis, at Richmond, who was at church, (it was Sunday,) the following message: "My lines are broken in three places; Richmond must be evacuated this evening." *The Slave Power was now in the throes of death;* the cold sweat of dissolution had enveloped the whole body—the jugular vein of treason was within reach of the iron grasp of Grant. Sheridan was lopping off its paralyzed limbs; his fierce cavalry were trampling the rebel dead beneath their feet; the artillery were cutting broad gaps through the rebel ranks; the solid columns of Grant's infantry, with their glittering bayonets, moved forward, tier after tier, like waves of the ocean, pouring their leaden rain of death upon the enemy; and now on they marched, banners waving, the fife and drum drowning the groans of the wounded and dying; the screeches of angry shells, as they burst with terrible destruction, seemed to mock with reckless defiance the struggle of the suffering. Volleys of artillery boomed out their loud proclamations of victory,

shaking the earth, from the surface of which, in the midst of the struggle of the mighty conflict, went up fitful flashes of flame and jets of smoke; more like a war of nature bursting from the angry breast of earth's caverns, than like the operations of an army.

The sacrifice of life was terrible; but the stake at issue was the life or death of American Nationality. The fate of the liberties of thirty millions of citizens of the Republic was at stake. The hope of freedom to the millions who were turning their eyes toward the banner of liberty, was in the scale. The fate of Republicanism throughout the world was at stake. The problem whether man is capable of self-government was on trial. The sovereignty of States, or, the sovereignty of the mass of the American people in their aggregate political capacity, was now being tested. Two hundred and fifty years of unrequited toil, and of the blood and tears of the poor slave, were calling loudly for redress. Four millions of human beings lifted their manacled limbs and tearful faces toward the emblem of freedom—the fate of millions of their race yet unborn, and the fate of millions of the Anglo-Saxon and Celtic races, hung upon the issue—the fate of mankind seemed to hang upon a single thread. The banner of the Confederacy could be seen in the distance floating from the dome of the Capitol at Richmond. The armies of the auction block and scourge were bearing their heavy freight; with one hand they thrust their sabres at the army of freedom, while with the other they pressed to their breasts the last relic of barbarism in the Republic. But the heat and burden of the day were heavy; fainting and falling, they fought as they were driven back inch by inch; the burden was more than nature could endure; time and time

again were they rallied by their commanders, and again and again did they struggle to hold their footing, but with each struggle they grew feeble. It would seem as if heaven had opened its batteries of thunder and flame that now swept them down. Still, bleeding and exhausted, they clung to the banner upon which was inscribed the lash and the fetters. Their fire grew more ineffectual; the roar of their cannon was less distinct; the calls of their leaders feeble and faltering; their blows irregular and uncertain; the roll of their drums dull and muffled; while the march of the army of the Union was firm, steady, and resistless. *Their* banners waved higher, and the galaxy of thirty-six stars was visible through the smoke and flame, like a heavenly constellation; their martial music rolled up in inspiring strains; the shower of lead from their infantry, covered like a pall of death all before it; the bright sabres of the dashing cavalry-men cut sharp and deep; fiery steeds pawed at the clouds, and galloped over the storm, trampling beneath their hoofs the breasts of the slain; the shouts of the Union leaders, rallying their hosts, were only equaled by the thunder-tones of the loud and angry-mouthed cannon, which, joining in the chorus of the carnage scene, swelled loud the requiem of the slave power. And now the combined hosts of freedom, like a convulsion of nature, encircled the army of despotism, and with one mighty dash, sent the tremor of death through the heart of the enemy, who with trappings of Palmetto flags, State Rights, Compromise, Fugitive Slave Laws, manacle, scourge, and auction block, hung to its neck, with the jubilant shouts of the conquering hosts, sank into the lap of oblivion forever; and flung upon its grave as a funeral pile from the

bright bayonets of the army of victory, were the shackles of four millions of slaves who now stood free —they and their children forever. From that hour, human Slavery in America was dead beyond the hope of resurrection.

But the enemy did not die without a violent struggle. The City of Richmond was not to be abandoned without the last fiendish acts of barbarity; and as the darkness of night of the 2d of April enveloped the city, and a lull in the conflict seemed to afford the citizens an opportunity to depart, Davis directed the evacuation of his Capital.

The rebels, now driven in terrible fright from their stronghold, gathered their goods and "chattels," old and young; the mother with her babe upon her breast, and the aged sire, joined in the procession, which outrivaled in wild disorder and reckless flight any scenes of ancient or modern times. Every species of vehicle, from artillery carriage, dray, truck, coach, hack, to wheelbarrow, with every description of domestic animal attached, not in the ordered pairs as they left Noah's ark, but in strange companionship of species and sex, that lent a wild disorder and primitive aspect to a scene already fearfully incongruous and ludicrous, were pressed into the service of the escaping inhabitants. This suddenly improvised and strange-looking conglomcrated mass of animals, men, women, and children, of all ages, sexes, and colors, with boxes, trunks, bedding, clothing, all piled and scattered in reckless disorder, made its way towards the Danville depot.

The banks were all open, depositors were calling for and receiving their money and then plunging into the throng; hundreds of thousands of dollars of paper money were destroyed. Night was fast approaching—no eye was closed in Richmond that night; de-

struction of property commenced; all liquors in the city were by order of the City Council destroyed; rivers of every kind of fluids mingled in floods, rushing through the gutters; reckless soldiers and others fell to supplying themselves with the exhilarating beverage, and from that moment disorder reigned supreme. The air was thick with the fumes of liquor, wild cries of despair were echoed back by the yells of frantic and drunken men, whose last physical strength was turned to breaking windows, and a general and reckless destruction of everything before them. But the scene was not completed; the fate of the rebel Capital was not yet come; night was upon them, and an order came from the rebel General Ewell to fire the city. The torch was applied; all the principal warehouses, loaded with all descriptions of merchandise and military stores, were on fire; the flouring mills, the bridges leading out of the city, and all the shipping were fired. Rebel rams and naval ships were blown up or scuttled. The city was fired at several places, and as gray morning broke from the east, dense volumes of smoke rested like an eclipse upon the sky. The roar of the conflagration, mingled with the explosions of powder and other combustibles, filled the air. The flames, reaching above the church steeples, seemed to lash their forked tongues against the clouds, revealing in the streets below the busy throng of escaping citizens and the riotous rabble, who, plunging through smoke and flame, ransacked the stores and houses, carrying their booty to places of safety. Jefferson Davis had left the city at 7 P.M., of the 2d, by the Danville railroad, together with the members of the Confederate Congress and other "officials."

Gen. Weitzel, who was in command of the Union

army immediately in front of Richmond, learned at 3 o'clock on Monday morning, April 3d, that Richmond was being evacuated; and at the head of his troops marched into the city, which was surrendered without opposition. The Palmetto flag of the Confederacy was hauled down, and the stars and stripes floated from the dome of the rebel Capitol amid salvos and cheers from the patriot soldiers, whose four years of toil had been repaid by their seeing the *inside* of the Rebellion.

General Weitzel, on entering Richmond, Monday, April 3d, 1865, telegraphed to Secretary Stanton as follows:

"We took Richmond at 8:15, this morning. I captured many guns. The enemy left in great haste. The city is on fire in one place; am making every effort to put it out. Gen. Grant started early this morning with the army, towards the Danville road, to cut off Lee's retreating army if possible. President Lincoln has gone to the front."

President Lincoln, who had been at City Point, a few miles from the scene of action, on hearing of the fall of Richmond, started immediately for that city, where he arrived on the morning of the day after the capture; he entered the city with his son, Commodore Porter, and a few sailors who rowed him to the wharf. They all started on foot, the President as unostentatious as any of the company, and entirely unknown, save to his few companions; but soon his presence became known, and as he passed along the streets, the negroes, old and young, flocked about him, some laughing and bursting forth in wildest ecstacies of joy, exclaiming all kinds of blessings on the President, and clinging to him with tearful faces; and for the first time in their lives breathing the air of freedom, exclaimed: "Glory to God! glory to God! glory, glory;"

"I thank you, dear Jesus, that I behold President Linkum." "Bless de Lord! bless de Lord!" "May de good Lord bless you, President Linkum!" Mr. Lincoln raised his hat, and in silence, as if much affected, bowed as he passed on. He returned the same afternoon to Washington, and in a few days went back to Richmond, accompanied by Mrs. Lincoln, several Senators, and other friends.

At Petersburg, the rebels were in strong force, and were driven from it on the same night that they evacuated Richmond; and Lee and his vast army were in full flight, hotly pursued by Grant and Sheridan and the powerful army whose hearts swelled with joy, as they sped missiles of destruction after the flying foe. The news of these achievements was flashed through the land, and the loyal heart of America illuminated the whole country with bonfires—the funeral pile of the Slave Power in America. Lee was overtaken by his pursuers and brought to a halt. His power was spent, his faith was gone; hope had died out in his breast. The military chief of the age—he who had never faltered, he who had carried the old flag from the far west through the broken ranks of the enemy, and had captured every stronghold in his march—Ulysses S. Grant, stood before him; the banner of freedom in the hands of his patriot host. He bade Robert E. Lee, the leader of the rebel forces surrender. The champion of State Rights bowed a reluctant acquiescence, and the General of the Union army received the sword of Gen. Lee. This was done on April 9th, 1865. Lee's whole army of 26,000 men were made prisoners, and one hundred and seventy cannon, besides all the small arms, surrendered to Grant.

The rebel Gen. Johnston and his army were also in

flight. He was pursued by the hero who "marched from Atlanta to the sea," Gen. Wm. T. Sherman; and on the 26th of April, near Raleigh, North Carolina, the whole Confederate forces of the Rebel Gen. Johnston were surrendered to Sherman, upon the same terms as Lee's army was surrendered to Grant. 29,924 men, and 180 cannon, and all the small arms; beside these, large numbers of prisoners and guns had been taken by Grant and Sherman, during the march against the enemy.

The surrender of Dick Taylor and the rebel fleet, on the 9th of May, and the surrender of Kirby Smith, with 20,000 men and 150 cannon, on the 26th of May, 1865, closed the Rebellion.

"Transportation and subsistence to be furnished at public cost for the officers and men after surrender, to the nearest practical point to their homes," was accorded to the rebel armies, which was done immediately.

Lee and his forces being put to flight, and Grant with his victorious army in vigorous pursuit, anxious to stay the further effusion of blood and the destruction of property, and seeing the evident fate of Lee and his army, on the 7th of April sent him the following letter, which resulted in the further correspondence here given, ending with the surrender of Lee and his entire army.

"April 7th.

"Gen. R. E. Lee, Commander Confederate States Armies:

"*General*—The result of the last week must convince you of the hopelessness of further resistance on the part of the Army of Northern Virginia in this struggle. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood, by asking of you the surrender of

that portion of the C. S. Army known as the Army of Northern Virginia.

"Very respectfully, your obedient servant,

"U. S. GRANT,

"Lieut.-Gen. Commanding Armies of the U. States."

"April 7th.

"To LIEUT.-GEN. U. S. GRANT, Commanding Armies of the United States:

"*General*—I have received your note of this date. Though not entirely of the opinion you express of the hopelessness of further resistance on the part of the Army of Northern Virginia, I reciprocate your desire to avoid useless effusion of blood, and therefore, before considering your proposition, ask the terms you will offer, on condition of its surrender.

"R. E. LEE, General."

"April 8th.

"To GEN. R. E. LEE, Commanding Confederate States Army:

"*General*—Your note of last evening, in reply to mine of same date, asking the conditions on which I will accept the surrender of the Army of Northern Virginia, is just received. In reply, I would say, that peace being my first desire, there is but one condition that I insist upon, viz:

"That the men surrendered shall be disqualified for taking up arms against the Government of the United States until properly exchanged.

"I will meet you, or designate officers to meet any officers you may name for the same purpose, at any point agreeable to you, for the purpose of arranging definitely the terms upon which the surrender of the Army of Northern Virginia will be received.

"Very respectfully, your obedient servant,

"U. S. GRANT,

"Lieut.-Gen. Commanding Armies of the U. States."

"April 8th.

"To LIEUT.-GEN. GRANT, Commanding Armies of the United States:

"*General*—I received at a late hour your note of to-day, in answer to mine of yesterday. I did not intend to propose the surrender of the Army of Northern Virginia, but to ask the terms of your proposition. To be frank, I do not think the

emergency has arisen to call for the surrender. But as the restoration of peace should be the sole object of all, I desire to know whether your proposals would tend to that end.

"I cannot, therefore, meet you with a view to surrender the Army of Northern Virginia, but so far as your proposition may affect the Confederate States forces under my command, and lead to the restoration of peace, I should be pleased to meet you at 10 A.M. to-morrow, on the old stage-road to Richmond, between the picket lines of the two armies.

"Very respectfully your obedient servant,

"R. E. LEE,

"General Confederate States Armies."

"April 8th.

"GEN. R. E. LEE, Commanding Confederate States Armies:

"*General*—Your note of yesterday is received. As I have no authority to treat on the subject of peace, the meeting proposed for 10 A.M. to-day, could lead to no good. I will state, however, General, that I am equally anxious for peace with yourself, and the whole North entertain the same feeling. The terms upon which peace can be had are well understood. By the South laying down their arms they will hasten that most desirable event, save thousands of human lives, and hundreds of millions of property not yet destroyed.

"Sincerely hoping that all our difficulties may be settled without the loss of another life, I subscribe myself,

"Very respectfully, your obedient servant,

"U. S. GRANT, Lieut.-Gen. U. S. A."

"April 9th, 1865.

"*General*—I received your note of this morning on the picket line, whither I had come to meet you and ascertain definitely what terms were embraced in your proposition of yesterday with reference to the surrender of this army.

"I now request an interview in accordance with the offer contained in your letter of yesterday for that purpose.

"Very respectfully, your obedient servant,

"R. E. LEE, General.

"To Lieut.-Gen. Grant, Commanding U. S. Armies."

"April 9th.

"Gen. R. E. LEE, Commanding Confederate States Armies:

"Your note of this date is but this moment (11:50 A.M.) re-

ceived. In consequence of my having passed from the Richmond and Lynchburg road to the Farmville and Lynchburg road, I am at this writing about four miles west of Walter's Church, and will push forward to the front for the purpose of meeting you.

"Notice sent to me on this road where you wish the interview to take place will meet me.

"Very respectfully, your obedient servant,

"U. S. Grant, Lieut.-Gen."

"Appomattox Court House, April 9th.

"Gen. R. E. Lee, Commanding Confederate States Armies:

"In accordance with the substance of my letter to you of the 8th instant, I propose to receive the surrender of the Army of Northern Virginia on the following terms, to wit:

"Rolls of all the officers and men to be made in duplicate, one copy to be given to an officer designated by me, the other to be retained by such officers as you may designate.

"The officers to give their individual paroles not to take arms against the United States until properly exchanged, and each company or regimental commander sign a like parole for the men of their commands.

"The arms, artillery, and public property to be packed and stacked, and turned over to the officers appointed by me to receive them. This will not embrace the side-arms of the officers, nor their private horses or baggage.

"This done, each officer and man will be allowed to return to their homes, not to be disturbed by United States authority so long as they observe their parole and the laws in force where they may reside.

"Very respectfully,

"U. S. Grant, Lieut-Gen."

"Head-Quarters Army of Northern Va., April 9th, 1865.

"Lieut.-Gen. U. S. Grant, Commanding U. S. Armies:

"*General*—I have received your letter of this date, containing the terms of surrender of the Army of Northern Virginia, as proposed by you; as they are substantially the same as those expressed in your letter of the 8th instant, they are accepted. I will proceed to designate the proper officers to carry the stipulations into effect.

"Very respectfully, your obedient servant,

"R. E. Lee, General."

At 3½ P.M. of the 9th of April, 1865, the Articles of Capitulation were signed, and Lee's army was received as prisoners of war. Before the surrender, Lee's army being cut off from all supplies and pursued by the Federal forces, rendered his position most desperate. The following description of his flight, made by an eye-witness, will give the reader a pretty clear idea of the circumstances which led to his surrender, and the eminent peril which awaited the Confederate forces:

"Those foragers who returned to Lee brought little or nothing with them. The suffering of the men from the pangs of hunger has not been approached in the military annals of the past fifty years. But the suffering of the mules and horses must have been even keener; for the men assuaged their cravings by plucking the buds and twigs of trees just shooting in the early spring, whereas the grass had not yet started from its wintry sleep, and food for the unhappy quadrupeds there was none. As early as the morning of the 6th, Lee sent off half his artillery toward the railroad, to relieve the famished horses. The artillery, making slow progress, thanks to the exhaustion of the horses, was captured by the Federals on the 8th.

"It is easy to see that the locomotion of an army in such a plight must have been slow and slower. The retreat was conducted in the following fashion: About midnight the Confederates slipped out of their hasty works, which they had thrown up and held during the previous day, and fell back until 10 or 12 o'clock the next morning. Then they halted, and immediately threw up earth-works for their protection during the day. It was not long before the wolves were again on their heels, and from their earth-works the Confederates exchanged a heavy fire with their pursuers throughout the day. Delayed with the necessity of guarding an ammunition train from thirty-five to forty miles in length, enfeebled by hunger and sleeplessness, the retreating army was only able to make ten miles each night. The delay enabled the active Sheridan to get ahead with his cavalry, and to destroy the depots of provisions along the railroad between Burkville and Danville. Upon the 5th, many of the mules and horses had ceased to struggle. It became necessary to burn hun-

dreds of wagons. At intervals the enemy's cavalry dashed in, and struck the interminable ammunition train here and there, capturing and burning dozens upon dozens of wagons. Toward evening of the 5th, and all day on the 6th, hundreds of men dropped from exhaustion, and thousands let fall their muskets from inability to carry them any further.

"The scenes of the 5th, 6th, 7th, and 8th, were of a nature which can be apprehended in its vivid reality only by men who are thoroughly familiar with the harrowing details of war. Behind, and on either flank, an ubiquitous and increasingly adventurous enemy—every mud-hole and every rise in the road choked with blazing wagons—the air filled with the deafening reports of ammunition exploding, and shells bursting when touched by the flames—dense columns of smoke ascending to heaven from the burning and exploding vehicles—exhausted men, worn-out mules and horses, lying down side by side—gaunt famine glaring hopelessly from sunken, lack-lustre eyes—dead mules, dead horses, dead men everywhere—death, many times welcomed as God's blessing in disguise—who can wonder if many hearts, tried in the fiery furnace of four years' unparalleled suffering, and never hitherto found wanting, should have quailed in presence of starvation, fatigue, sleeplessness, misery—unintermitted for five or six days, and culminating in hopelessness?

"Yet there were not wanting occasional episodes which recalled something of the old pride of former memories, and reminded men that this hunted, famished crowd was still the same army that had won two Bull Runs, which had twice (in pursuit of a fatal policy) trodden its enemy's soil, and had written Fredericksburg, Chancellorsville, and a dozen other names upon its banners.

"The reader will have gathered that when Gen. Lee found his depots along the Danville road destroyed by Sheridan, he had no alternative but to make for Lynchburg. He still hoped to get rations and to turn suddenly upon Grant, whose army was dispersed into many columns. The fatigue of the pursuit, though unaggravated by famine, was beginning to tell upon the pursuers. But in pressing for Lynchburg, Lee found himself in a dangerous predicament. He was on a strip of land, not more than seven or eight miles broad, between the James and Appomattox Rivers. On the afternoon of the 7th, Lee's situation seemed so unpromising, that Grant, for the first time, sent to

propose surrender. Lee at once replied that his circumstances did not seem to him such as to justify his entertaining such a proposal. On the morning of the 8th, Grant renewed his solicitations. Lee did not decline, but debated the matter, calling a council of war in the evening. No determination was arrived at on the 8th, and at midnight the usual dreary retreat was resumed. The springs of energy and will, unstrung by long want of food, had run down in the men like the machinery of a broken clock. Hitherto the retreat had been covered by Longstreet and Gordon alternately, but now the Federal force, which had got ahead of Lee and was obstructing his retreat, had become so considerable that Gordon was thrown out with 2,000 men in front, while Longstreet, whose pluck neither hunger, nor fatigue nor depression could abate, or subdue, still covered the rear.

"At daybreak on the 9th, a courier from Gordon announced to Lee that a large body of Federal cavalry (in other words, Sheridan's army) was across the road at Appomattox Court House. At the same moment a heavy force of infantry under Grant was pushing Longstreet vigorously in the rear. Between Longstreet and Gordon were the remaining wagons, and clinging to them thousands of unarmed and famished stragglers too weak to carry their muskets. Lee sent orders to Gordon to cut his way through, *coute qu'il coute*. Presently came another courier from Gordon, announcing that the enemy was driving him back. Lee had at this moment less than 30,000 men with muskets at their hands. The fatal moment had indisputably come. Hastily donning his best uniform, and buckling on his sword, which it was never his fashion to wear, Gen. Lee turned sadly to the rear, to seek the final interview with Gen. Grant.

"There is no passage of history in this war which will, for years to come, be more honorably mentioned and gratefully remembered than the demeanor on the 9th of April, 1865, of Gen. Grant toward Gen. Lee. I do not so much allude to the facility with which honorable terms were accorded to the Confederates, as to the bearing of Gen. Grant and the officers about him toward Gen. Lee. The interview was brief. Three commissioners upon either side were immediately appointed. The agreement to which these six commissioners acceded is known.

"In the mean time, immediately that Gen. Lee was seen riding to the rear, dressed more gaily than usual and begirt with his sword, the rumor of immediate surrender flew like wild-fire

through the Confederates. It might be imagined that an army, which had drawn its last regular rations on the 1st of April, and harassed incessantly by night and day, had been marching and fighting until the morning of the 9th, would have welcomed anything like a termination of its sufferings, let it come in what form it might. Let those who idly imagine that the finer feelings are the prerogative of what are called the 'upper classes,' learn from this and similar scenes to appreciate 'common men.' As the great Confederate captain rode back from his interview with Gen. Grant, the news of the surrender acquired shape and consistency, and could no longer be denied. The effect on the worn and battered troops—some of whom had fought since April, 1861, and (sparse survivors of hecatombs of fallen comrades) had passed unscathed through such hurricanes of shot as within four years no other men had ever experienced—passes mortal description.

"Whole lines of battle rushed up to their beloved old chief, and, choking with emotion, broke ranks and struggled with each other to wring him once more by the hand. Men who had fought throughout the war, and knew what the agony and humiliation of that moment must be to him, strove with a refinement of unselfishness and tenderness which he alone could fully appreciate, to lighten his burden and mitigate his pain. With tears pouring down his cheek, Gen. Lee at length commanded voice enough to say: 'Men, we have fought through the war together. I have done the best that I could for you.' Not an eye that looked on that scene was dry. Nor was this the emotion of sickly sentimentalists, but of rough and rugged men, familiar with hardships, danger, and death in a thousand shapes, mastered by sympathy and feeling for another what they never experienced on their own account."

The whole number of troops raised by the Union, during the war, was 2,688,523, and the number in service, or on the lists of enrollment, on May 1st, 1865, at the close of the war, was 1,000,516, which was at once reduced to a peace footing of 50,000, of all arms. During the war there were 5,221 commissioned officers and 90,868 men fell dead in battle, or died of wounds received in actual service. Besides these, 2,324 com-

missioned officers and 182,329 men died from disease or accident, making an aggregate of 379,828 who fell in the cause of Liberty, in the service of the Union army, during the war. This does not include the thousands who died, after leaving the army, from wounds and disease received and contracted there. About one-tenth of the male population of the 22,027,627 people from whom the Union armies were drawn—that being the population of the twenty-five loyal States in 1860—participated in the subduing of the Rebellion; and about one-tenth of all enlisted died, or were slain in the service. There were 180,000 black soldiers in the Union armies, of whom 29,298 were slain or died in the service. Mortality from disease was much greater among the blacks than among the whites; no doubt their exposure was greater.

On the rebel side the aggregate mustered into their armies was much smaller than the Union forces. They had, in 1860, in the eleven seceded States 5,449,463 white inhabitants, and a population of 3,607,467 negroes, a few of whom were free. Thus they had a total population of 9,056,930, of all classes, from which to draw their armies; while the North had 22,027,627. At this date there were only 1,841,996 more whites than blacks in the eleven seceded States. With the great facilities of the North for supplying and maintaining an army, and supplying and keeping afloat a navy that could completely cut off all supply from without from the rebels; the great odds in their favor of the number of men, and all the foreign immigration coming to the ports of the Free States, it was a *physical impossibility* for the South to long continue war against the North, and time alone was waiting to bring the day, when complete exhaustion, or absolute annihilation,

would leave the rebel army a thing only known of the past.

The losses on the side of the rebels, from insufficiencies in hospital comfort and the heavy losses in the field, are computed to be about as great as those of the Union armies. This being so, there must have been at least 760,000 slain and died of disease in the armies of both sides, to say nothing of the thousands who have died since leaving the armies, with wounds and diseases contracted while there, and those permanently crippled. These classes are not less than 440,000—making at least 1,200,000 human beings sacrificed on the altar of the Slave Power and State Rights; to say nothing of the untold treasure expended, the great national debt incurred, the burdensome taxation imposed, the sad trials and unrequited grief and misery of the friends of the dead, and the national sorrow that lingers in every household, North and South, where the tears and sighs of the widow and orphan are uttered in silent despair. At whose feet this awful spectacle must rest, let the impartial reader of these pages be the judge.

The great facility with which the vast armies of the Nation were disposed of at the close of the war, and the peaceful order in which they returned to their homes and friends, to mingle in the peaceful pursuits of business and pleasure, is an example of the peculiar features of American Republicanism, which, in time of peace, so harmoniously adapts the conditions of its citizens to the business and social relations of the country, that no individual class can maintain a distinctive character; but, in the great march of social equality and progressive liberty, the soldier of to-day is the civilian of to-morrow, and the civilian of to-day is the soldier of to-morrow.

The vast armies of the Republic, as they stood before the hosts of the enemy, at the close of the war, will doubtless never again be called to meet a foe upon American soil. The fast passing events must, in the course of nature, soon seriously deplete their ranks; but so long as they live they will be the sentinels, who, standing upon the pinnacles of our mountain heights, will sound aloud the first notes of alarm, should danger from within or without threaten that liberty which is the highest pride and the dearest boon of every American.

The parting salutations of the two military champions of the age, on taking leave of their victorious armies, are here given; the sentiments they contain will be held dear by every lover of freedom while human liberty has an advocate on earth:

"HEAD-QUARTERS MIDDLE DIV. OF THE MISSISSIPPI, IN THE FIELD,
Washington, D. C., May 30th, 1865.

"*Special Order No.* 67.

"The General Commanding announces to the Armies of the Tennessee and Georgia that the time has come for us to part. Our work is done, and armed enemies no longer defy us. Some of you will be retained in service until further orders; and now, that we are about to separate, to mingle with the civil world, it becomes a pleasing duty to recall to mind the situation of national affairs when, but a little more than a year ago, we were gathered around the twining cliffs of Lookout Mountain, and all the future was wrapped in doubt and uncertainty. Three armies had come together, from distant fields, with separate histories, yet bound by one common cause—the union of our country and the perpetuation of the Government of our inheritance. There is no need to recall to your memories Tunnel Hill, with its Rocky Face Mountain, and Buzzard Roost Gap, with the ugly forts of Dalton behind. We were in earnest, and paused not for danger and difficulty, but dashed through Snake Creek Gap and fell on Resaca; then on to the Etowah, to Dallas, to Kenezaw, and the heats of summer found us on the banks of the

Chattahoochee, far from home and dependent on a single road for supplies. Again we were not to be held back by any obstacle, and crossed over and fought four heavy battles for the possession of the citadel of Atlanta. That was the crisis of our history. A doubt still clouded our future; but we solved the problem and destroyed Atlanta, struck boldly across the State of Georgia, secured all the main arteries of life to our enemy, and Christmas found us at Savannah. Waiting there only long enough to fill our wagons, we again began a march, which for peril, labor and results will compare with any ever made by an organized army. The floods of the Savannah, the swamps of the Combahee and Edisto, the high hills and the rocks o the Santee, the flat quagmires of the Pedee and Cape Fear Rivers, were all passed in midwinter, with its floods and rains, in the face of an accumulating enemy; and, after the battles of Averysboro and Bentonville, we once more came out of the wilderness to meet our friends at Goldsboro. Even then we paused only long enough to get new clothing, to reload our wagons, and again pushed on to Raleigh and beyond, until we met our enemy, suing for peace instead of war, and offering to submit to the injured laws of his and our country. As long as that enemy was defiant, nor mountains, nor rivers, nor swamps, nor hunger, nor cold, had checked us; but when he who had fought us hard and persistently offered submission, your General thought it wrong to pursue him further, and negotiations followed, which resulted, as you all know, in his surrender. How far the operations of the army have contributed to the overthrow of the Confederacy, to the peace which now dawns on us, must be judged by others, not by us. But that you have done all that men could do has been admitted by those in authority; and we have a right to join in the universal joy that fills our land, because the war is over, and our Government stands vindicated before the world by the joint action of the volunteer armies of the United States.

"To such as remain in the military service, your General need only remind you that successes in the past are due to hard work and discipline, and that the same work and discipline are equally important in the future. To such as go home, he will only say, that our favored country is so grand, so extensive, so diversified in climate, soil, and productions, that every man may surely find a home and occupation suited to his tastes; and none should yield to the natural impotence sure to result from our past life

of excitement and adventure. You will be invited to seek new adventure abroad, but do not yield to the temptation, for it will only lead to death and disappointment.

"Your General now bids you all farewell, with the full belief that, as in war you have been good soldiers, so in peace you will make good citizens; and if, unfortunately, new war should rise in our country, Sherman's Army will be the first to buckle on the old armor and come forth to defend and maintain the Government of our inheritance and choice.

"By order of Major-General W. T. SHERMAN.

"L. M. DAYTON, Assistant Adjutant-General."

At a later period, the following address was issued by Lieut.-General Grant to all the Armies of the Republic:

"GENERAL ORDERS No. 108.

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"Washington, D. C., June 2d, 1865.

"*Soldiers of the Armies of the United States:*

"By your patriotic devotion to your country in the hour of danger and alarm, your magnificent fighting, bravery and endurance, you have maintained the supremacy of the Union and the Constitution, overthrown all armed opposition to the enforcement of the laws and the proclamations forever abolishing Slavery—the cause and pretext of the Rebellion—and opened the way to the rightful authorities to restore order and inaugurate peace on a permanent and enduring basis on every foot of American soil. Your marches, sieges, and battles, in distance, duration, resolution, and brilliancy of results, dim the lustre of the world's past military achievements, and will be the patriot's precedent in defense of liberty and right in all time to come. In obedience to your country's call, you left your homes and families and volunteered in its defense. Victory has crowned your valor, and secured the purpose of your patriotic hearts; and with the gratitude of your countrymen and the highest honors a great and free Nation can accord, you will soon be permitted to return to your homes and families, conscious of having discharged the highest duty of American citizens. To achieve these glorious triumphs and secure to yourselves, your fellow countrymen, and posterity the blessings of free institutions, tens of thousands of

your gallant comrades have fallen and sealed the priceless legacy with their lives. The graves of these, a grateful Nation bedews with tears, honors their memories, and will ever cherish and support their stricken families.

"U. S. GRANT, Lieut.-General."

Jefferson Davis, President of the Southern Confederacy, who had in company with other officials evacuated Richmond, on the afternoon of Sunday, April 2d, had made his way by railroad to Danville, North Carolina, where, on the 5th of April, he established his Government, and issued the following appeal to his people:

"DANVILLE, Va., April 5th, 1865.

"The General-in-Chief found it necessary to make such movements of his troops as to uncover the Capital. It would be unwise to conceal the moral and material injury to our cause resulting from the occupation of our Capital by the enemy. It is equally unwise and unworthy of us to allow our energies to falter and our efforts to become relaxed under adverses, however calamitous they may be.

"For many months the largest and finest Army of the Confederacy, under command of a leader whose presence inspires equal confidence in the troops and the people, has been greatly trammeled by the necessity of keeping constant watch over the approaches to the Capital, and has thus been forced to forego more than one opportunity for promising enterprise. It is for us, my countrymen, to show by our bearing under reverses how wretched has been the self-deception of those who have believed us less able to endure misfortunes with fortitude than to encounter dangers with courage.

"We have now entered upon a new phase of the struggle. Relieved from the necessity of guarding particular points, our army will be free to move from point to point to strike the enemy in detail far from his base. Let us but will it and we are free.

"Animated by that confidence in spirit and fortitude which never yet failed me, I announce to you, fellow countrymen, that it is my purpose to maintain your cause with my whole heart and soul—that I will never consent to abandon to the enemy

one foot of the soil of any one of the States of the Confederacy. That Virginia—noble State—whose ancient renown has been eclipsed by her still more glorious recent history; whose bosom has been bared to receive the main shock of this war; whose sons and daughters have exhibited heroism so sublime as to render her illustrious in all time to come—that Virginia, with the help of the people and by the blessing of Providence, shall be held and defended, and no peace ever be made with the infamous invaders of her territory.

"If, by the stress of numbers, we should ever be compelled to a temporary withdrawal from her limits, or those of any other Border State, again and again will we return, until the baffled and exhausted enemy shall abandon in despair his endless and impossible task of making slaves of a people resolved to be free.

"Let us, then, not despond, my countrymen, but relying on God, meet the foe with fresh defiance and with unconquered and unconquerable hearts.

"JEFFERSON DAVIS."

The new phase of which Davis spoke, upon which the people of the Confederacy had entered, was evidently not the *phase* through which himself and the whole army of the seceded States were passing. Lee's telegram to him at Richmond, on April 2d, apprised him that that city, and also Petersburg, must be evacuated at once; and as he left the rebel Capital, and as the Union army entered, all communication was cut off between himself and the Confederate Army; and, as he indicated, he was still hopeful that the Southern armies, even detached and cut off from all regular sources of supply, could keep up a protracted warfare; and, in the hope of meeting Lee, or some of the leading Generals of his armies at his new head-quarters, he remained for several days at Danville. He would not, he said, "abandon a foot of the soil of any one of the States of the Confederacy to the 'infamous invaders' of her territory." He appealed loudly to "the ancient

renown of Virginia," "whose *bosom* has been bared to receive the main shock of the war." How well she received it may be learned from a perusal of a preceding portion of this chapter. His declaration, that if they should be driven from the Confederacy, that they should again and again return, has been verified by the reign of terror instituted by his followers throughout the conquered States, and their assumption to regain possession of the reins of Government and institute a system of Slavery among those made free by the operations of the war.

On the 10th of April the startling news of the fall of Richmond and surrender of Lee reached Davis, who, thinking the tenure of his location too uncertain even for personal safety, packed the Government of the Confederacy in a carpet-bag, and posted off by rail for Greensboro, North Carolina. Here he halted to await events, his faithful Postmaster-General, Mr. Reagan, and a few other officials still with him. The Government was set up in the cars, where the President and his Cabinet kept watch through the weary night. The thing was growing slim. The Confederacy had shrunk from its once proud proportions to the collapsed interior of a dusty carpet-bag. But the institution was doomed to a still further contraction. On the 15th of April the news of the surrender of Gen. Johnston's Army to Gen. Sherman had reached him, and Greensboro, like Danville, must now be abandoned. But his flight must be slow, for Gen. Stoneman's force had cut off his retreat by destroying the railroads. A movement must be made, so the "President" and the "faithful" hurried the Government into a wagon and started upon their pilgrimage to Charlotte, North Carolina. Here the weary Executive and suite were

kindly received by his subjects, and the Government was taken from the carpet-bag to get an airing. The company rested for a few days, but their repose was doomed to arrest, for soon the news of the approach of General Stoneman's cavalry brought the President to another change of base; so the carpet-bag was again sought for, but its contents were fast evaporating. Wagon was too slow now—fast horses were necessary. Soon the President and his officials were mounted, the Government was hung to the pummel of Davis' saddle, who surrounded by 2,000 cavalry, started at full speed, headed southward by way of Yorkville and Abbieville, South Carolina. On the 4th of May the remnant of the Presidential escort, which had dwindled down to a few dozen persons, together with the President, arrived at Washington, Georgia. Here the sack containing the Government was snatched from the saddle of the foaming steed. Davis unlocked it, and peering in, failed to discover its contents with the naked eye, and in a burst of agony dropped from his nervous fingers the unsubstantial fabric of the Southern Confederacy, and again headed *South* in search of happiness where it could be cheaper and more abundantly obtained.

Davis' family, who up to this time had accompanied him, were now separated from him, and were in possession of a considerable amount of money. Fearing that the safety of his funds was in danger, Davis hastened to join his family, and with the aid of a few friends, pitched their gypsy tent in the woods, a little distance from the village of Irwinsville, Georgia. Gen. Wilson, of the Union Army, hearing of the escape southward of Davis, dispatched two companies of cavalry in pursuit—the first Wisconsin, under Lieut.-Col.

Harden, and fourth Michigan, under Lieut.-Col. Pritchad. The cavalry started upon their important mission. Pritchad at last, on the 10th of May, struck the rebel trail which led him to the "last ditch." Here in the gray of morning he surprised and captured Mr. Davis, his wife, and children, and his wife's sister. At this juncture a melancholy affair occurred. The two companies of cavalry in pursuit had taken opposite directions, and meeting at this point while it was yet too early in the morning to distinguish each other, and mistaking one another for enemies, commenced an engagement. Two men were killed, and several wounded. The mistake was soon discovered, however. Davis, now a prisoner, was dispatched to Fortress Monroe, where he was closely confined for some time, but was subsequently released on bail that he would appear before the United States Courts for trial upon two charges found against him by indictment—one for treason, the other for complicity in the assassination of President Lincoln.

More than three years have elapsed since the arrest of Mr. Davis to the present time, and he is still at large, without having had a trial. Alexander H. Stephens, Vice-President of the Confederacy, had been captured in Georgia; and he, with the rebel Postmaster-General Reagan, captured with Davis, were sent to Fort Warren, Boston harbor, from which they were, a few months after, released on parole.

The stories circulated about Mr. Davis' attempting to escape in female attire are much exaggerated. Being aroused at early morning, he hurriedly put on his boots, and with a loose wrapper about him, in which he had slept, started to the tent door. Mrs. Davis, fastening his wrapper about him, followed him to the door, and

bade him go towards the spring, where were his horse and his arms. He complied; and as he was leaving the door, Miss Howell threw a shawl over his head. This he did not attempt to remove, as there was now no time to be lost; so in this attire he made his way hastily towards his horse. These articles are believed, upon good authority, to be all pertaining to female attire upon Mr. Davis. Doubtless his appearance, with his long robe down to his feet, girdled about him, and a shawl thrown over his head, was well calculated to lead to the belief that he was disguised as a female; but it is very doubtful if any such intention had entered his mind, however the contrary might be among those about him.

## CHAPTER XXI.

ENTHUSIASM AT THE FALL OF RICHMOND.—ASSASSINATION OF ABRAHAM LINCOLN.—ATTEMPT TO MURDER W. H. SEWARD.—ANDREW JOHNSON SWORN IN PRESIDENT OF THE UNITED STATES.—CAPTURE OF BOOTH, THE ASSASSIN OF LINCOLN.—CAPTURE OF THE OTHER CONSPIRATORS.—TRIAL AND SENTENCE OF.—REWARDS OFFERED FOR JEFFERSON DAVIS, JACOB THOMPSON, CLEMENT C. CLAY, BEVERLY TUCKER, GEO. N. SANDERS, AND W. C CLEARY.

President Lincoln, on the 24th of March, 1865, had gone to City Point, a few miles from Petersburg and Richmond, Virginia, to witness the grand attack on the rebel Capital. Grant had kept up continuous telegraphic reports to him during the siege of Petersburg and Richmond. Mr. Lincoln arrived at Richmond on the 4th of April, the day after its fall, remained a short time, and returned soon again, as has been already stated in the preceding chapter.

He returned to Washington on Sunday, April 9th, the day of Lee's surrender. The news of the surrender of Lee reached Washington about the same time that Mr. Lincoln did, and caused another burst of rejoicing throughout the land. All the cities and villages in the Free States were illuminated. Washington City was a scene of joy never witnessed before. The fall of Richmond, and the brilliant achievements of Grant and Sheridan and their soldiers, had wrought the public feeling up to a pitch of enthusiasm beyond description.

The friends of the Executive were now highly elated. Years of patient toil of the army, in which they had made so many sacrifices and gained so many

brilliant victories, were now crowned by success complete and permanent. The long and painful night of suspense, suffering, and mourning of the Nation, was at last ended; and the indomitable energy and uninterrupted watchfulness of Mr. Lincoln had all been repaid. He had the pleasure of entering the rebel Capital the day after its fall, and gazing upon the charred walls of the city of treason. He saw the smoke from its ruins mingle with the clouds; and the flames from the last funeral pile of the Slave Power in America illuminate the path of the bondman from the night of Slavery, into the morning of blessed freedom, and beheld the symbol of Liberty—the flag of his country—floating where, for four years, the rebel flag had held uninterrupted sway. The heart of the mighty enemy was crushed, and America was free. The great problem of human liberty, and the capacity of man for self-government, had been solved by the terrible arbitrament of the sword. The sacrifice had been great, but the victory and its fruits were not to be garnered in a day; their results were the liberties of millions yet unborn. And as the magnitude of the victory stood before the humane Lincoln, his great soul rejoiced and praised God. How little did he dream of the tragic fate so close upon him. Already the bullet that was to pierce his brain, had been placed in the pistol by the hand of the assassin. The country was turning toward repose. Her conquering armies were seeking their homes and dear ones. A tranquillity unknown for years, spread over the land, only however to be eclipsed by the black shadow of mourning, whose sable pall draped every loyal house in the land, and hung from the declivities of the mountains, from the Saco to the Columbia.

President Lincoln had, on April 13th, 1865, directed that an order issue from the War Office discontinuing all further recruiting for the army. This appeared in the public press on April 14th, the anniversary of the fall of Fort Sumter and its surrender to the rebels, four years prior to that day. A Cabinet meeting had been held during the day, at which General Grant was present. President Lincoln, General Grant, and a few other friends had arranged to spend the evening at Ford's Theatre, in Washington City. The General, however, returned to his post, and did not attend. Mr. Lincoln, with his wife and their friends, Major H. R. Rathbone and Miss Carrie W. Harris, attended the theatre, and occupied a private box. His going to the theatre was to him a moment of relaxation, and as unsuspicious of danger as possibly could be. He, of all others, never had a suspicion of any personal danger, notwithstanding that, during the past four years, he had received many anonymous letters of threats of assassination. While seated in the theatre with his friends, J. Wilkes Booth, an actor, born in Baltimore, Maryland, and son of the celebrated tragedian, Junius Brutus Booth, entered, at half-past 10 o'clock, at the door of the box, which he fastened behind him; and, while all were intent upon the play, stood close to the back of Mr. Lincoln, who sat in a high arm chair, and with a Derringer pistol in his right hand, and double-edged dagger in the other, placed the pistol to the President's head, fired, and striking at those in the box with the dagger, sprang to the front of the box, exclaiming, "*Sic semper tyrannis!*" (Thus always with tyrants—the motto of the State of Virginia), leaped upon the stage below, and, brandishing his dagger, shouted, "*The South is avenged!*" Rushing across the

stage, he made his exit through a back door, mounted a horse in waiting for him, and made his flight into Maryland, where he found shelter and protection among his Secession friends. All this was done so quickly, and the confusion was so great, that his pursuers came to the street only to see him flying away upon his fleet horse. When the true state of affairs was known, the excitement in the theatre was intense. Mr. Lincoln was removed insensible; the lights were turned down and the doors closed. Mr. Lincoln, who had been entirely unconscious since he had received the fatal shot, at twenty minutes past seven o'clock on the following morning, April 15th, 1865, expired. His death was the result of an organized conspiracy, by a number of ruffians, to assassinate the President and his Cabinet.

While this bloody tragedy was being enacted, Lewis Payne Powell, known as Payne, entered the residence of W. H. Seward, Secretary of State, who was lying in bed disabled by a fall from his carriage, resulting in the breaking of his jaw and one of his arms. Payne stated to a boy in the hall that he had medicine for Mr. Seward, and went up stairs to the third floor. At the door of Mr. Seward's room he met Frederick W. Seward, the son of the Secretary, to whom he told the same story, and on being refused admission, drew a pistol and fired, but without effect. He then struck Mr. Seward two severe blows on the head, breaking his pistol and fracturing Mr. Seward's skull. Miss Fannie Seward, being in her father's room and hearing the noise, opened the door. Payne rushed in and commenced to deal terrible blows at the throat of Mr. Seward with a bowie-knife, inflicting desperate wounds. Mr. Robinson, an invalid soldier in the house, and at-

tendant upon Mr. Seward, endeavored to drag the murderer from the bed. Payne turned upon Robinson, inflicting serious wounds upon him. Mr. Seward at this moment rolled himself from the bed and on the floor towards the wall. The would-be assassin, finding that he could not reach his victim, relieved himself from Robinson and started down stairs. Meeting Major Augustus Seward, another son of the Secretary, on the stairs, he plunged at him with his knife. Further down the stairs he met Mr. Hansel, an attendant on the Secretary, whom he stabbed in the back. Miss Seward was now screaming "murder" from her father's room window. Payne passed all obstacles, and rushing for his horse at the door, mounted him and rode away. This took place about half past ten o'clock on Friday night, April 14th, 1865.

The news of the assassination of Abraham Lincoln was soon spread throughout the land, and a cloud of mourning like an eclipse draped every dwelling where lived the spirit of liberty. The Nation's pulse stood still. A gloom, sad and sickening, as blank as a pause in nature, suspended the actions of men. The busy streets of yesterday, wherein hundreds of thousands of active seekers of business and pleasure were congregated, were now a slow-moving procession of sorrowful people. Festivities and hilarity of a few days before, were now hushed into melancholy gloom; the piping notes of joyous music were answered only by the measured roll of the muffled drum. Throughout the entire land, and over the deep sea, the National flag hung mournfully at half-mast. All business of the country was suspended, and men seemed to wander in idle forgetfulness of their own being. Beside the altar of prayer, old age reverently bowed,

while the fountains of tears long locked up, burst forth afresh in copious streams. Vigorous manhood stood appalled, while innocent youth inquired the cause of so much grief. The Goddess of Liberty, from her throne of clouds, sang a melancholy requiem as she wove emblems of national mourning. In the cottage of the peasant, the lowly cabin of the miner where the tall pine casts its shadow, by the sea-side, in the fisherman's lonely home, where the ceaseless dirge of Atlantic's fretful pulse mingles with the storm-cloud, in the lumberman's secluded abode, obscure and dark in forest gloom; around the shrine of liberty, where stood the sable sons of Africa as they laid their fetters upon the funeral pile of bondage, and breathed prayers of love and gratitude—alike in all these, was the same sad mourning, and the same unspeakable sorrow.

When the sad news reached across the seas, the haughty standard of the Monarch was lowered in honor of the dead. The courtly halls of proud England, the royal court of the Czar, the legislative councils of the nations, presented scenes of sadness and sympathy. The sturdy Polander, whose breast swelled with manly pride at the mention of Republicanism; the collier of Britain, who from his chamber of darkness had seen the bright star of American Liberty, through the eternal night to which he was doomed; the plaided Highlander, who listened to the tales of his conquering clans and sighed for freedom; and the robust son of the Emerald Isle, whose heart yearned for the emancipation of his down-trodden land—all joined in the universal mourning—all seemed to have lost a friend.

The name and the fame of Abraham Lincoln had

reached to the extreme ends of the earth, for the land of which he was an honored citizen and bold defender, had for four years been passing through a purgation of the heresies of two and a half centuries; and the great free land of America, where so many exiles had made their homes, was looked to from across the Atlantic as an asylum for the oppressed of all lands.

But the tragic death of the good Lincoln was not to arrest the progress of civil liberty in America. Like a giant of the forest, he fell; but he sleeps not—his watchful spirit still keeps vigilant guard over the freedom of those he loved so well. And as the tide of time carries the generations of men into the fitful eddies and whirlpools of political danger, the memory of his patriotism and love of human liberty, will lead them to fields of victory and scenes of peaceful repose. And in the ages that will pass away, the generations that will read of the great struggle, on the American Continent, between barbarism and freedom, in the four years from April 12th, 1861, to April 14th, 1865, will revere the name of Abraham Lincoln, so long as liberty inspires the human heart.

At 11 o'clock on the morning of April 15th, the day of Mr. Lincoln's death, Andrew Johnson, who had been elected Vice-President in 1864, took the Constitutional oath of office as President of the United States. Mr. Johnson, who was a native of North Carolina, one of the original Slave States, and who was United States Senator from the State of Tennessee at the commencement of the war, unlike his fellow Representatives from the South, proclaimed himself unalterably for the Union. Before his election as Vice-President he had been appointed Military Governor of his State, and during the war stood firm with the Administration, and opposed Secession.

Soon after the death of his predecessor, the question of the status of the States lately in Rebellion became a subject of National interest. The pause in the affairs of the rebellious States, caused by the cessation of hostilities, and while there was yet no civil government, called for immediate action. All State laws in conformity with any laws of Congress, had been suspended; the people had just stacked their arms, at the command of a superior physical power; the changes wrought by the revolution in the personal status of the people could not be ascertained in a moment; the patriot could not be distinguished from the traitor, so as to adopt a civil policy to suit each; so, accordingly, Military Governors were appointed by the Executive, instructed to improvise such Government as might be adequate to the changed condition of the people, until such time as circumstances might fit the people to again resume relationship with the Government which they had abandoned. (See "Reconstruction.")

The flight of the assassins from the Capital was as remarkable as the desperation of the deed. Soon the vigilant police and active military were upon their track. Booth and some of his confederates had escaped into Maryland, and were received by their friends. His progress had been retarded by a fracture of his leg, received in leaping from the box to the stage of the theatre. On the night of the 26th of April, twelve days after the murder, his pursuers discovered him and his confederate, Harold, concealed in a barn near Port Royal. On demand of his pursuers, Booth refused to surrender, and displayed his firearms, and declared that he would not be arrested. The barn was fired. Harold came out and gave himself up, but Booth still

remained within. The cavalry (New York) that discovered him, formed themselves in a circle round the barn, and, either from impatience, fear of his escape, or dread of personal injury from the menacing attitude of Booth, who was leveling his Colt's revolver at them, Boston Corbet, a young man of English birth, belonging to the cavalry, drew his rifle upon Booth, and shot him. He died in a few hours. His body was taken to Washington and surrendered to the United States authorities. It was disposed of secretly. The curiosity of the public to know the locality of the remains of the assassin are likely never to be gratified. The reports that he still lives are as unfounded as many others that distract the minds of curious people.

Nine of those immediately connected with this murderous affair, were tried before a Court Martial, in the City of Washington; and on the 6th day of July, 1865, Mrs. Surratt, Harold, Atzerott, and Payne, were executed by order of President Johnson, on approval of the findings of the Court Martial. O'Laughlin, Arnold, and Dr. Mudd were imprisoned for life, and Spangler for six years.

At the trial of these persons, circumstances pointed strongly against Jefferson Davis and many leading Democrats, as being implicated in the schemes of assassination. But, so far, no trial or conviction of them has been had.

On the 2d of May, 1865, the following proclamation was issued by President Johnson:

"*Whereas*, It appears, from evidence in the bureau of Military Justice, that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. W. H. Seward, Secretary of State, were incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Va., and Jacob Thompson, Clement C. Clay, Beverly Tucker,

George N. Sanders, W. C. Cleary, and other rebels and traitors against the Government of the United States, harbored in Canada.

"Now, therefore, to the end that justice may be done, I, Andrew Johnson, President of the United States, do offer and promise, for the arrest of said persons, or either of them, within the limits of the United States, so that they can be brought to trial, the following rewards: $100,000 for the arrest of Jefferson Davis; $25,000 for the arrest of Jacob Thompson, late of Mississippi; $25,000 for the arrest of George N. Sanders; $25,000 for the arrest of Beverly Tucker; and $10,000 for the arrest of William C. Cleary, late clerk of Clement C. Clay. The Provost Marshal-General of the United States is directed to cause a description of said persons with notice of the above rewards to be published."

On the 4th day of July, 1868, President Johnson issued an amnesty proclamation very sweeping in its nature. The policy of this act has been much doubted by some who believe that the *spirit* of Rebellion was still fresh in the breasts of the leaders of the late Confederacy. But the freedom of America is safe in the hands of the masses who rescued it from the Slave Power. America can afford to be magnanimous.

Following is the proclamation:

"*Whereas*, In the month of July, Anno Domini, 1861, in accepting the condition of civil war which was brought about by insurrection and rebellion in several of the States which constitute the United States, the two Houses of Congress did solemnly declare that war was not waged on the part of the Government in any spirit of oppression nor for any purpose of conquest or subjugation; nor for any purpose of overthrowing or interfering with the rights or established institutions of the States, but only to defend and maintain the supremacy of the Constitution of the United States, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired, and that so soon as those objects should be accomplished the war, on the part of the Government, should cease;

"*And whereas*, The President of the United States has hereto-

fore, in the spirit of that declaration, and with the view of securing for it ultimate and complete effect, set forth several proclamations offering amnesty and pardon to persons who had been or were concerned in the aforenamed Rebellion, which proclamations, however, were attended with prudential reservations and exceptions then deemed necessary and proper, and which proclamations were respectively issued on the 8th day of December, 1863; on the 26th day of March, 1864; on the 29th day of May, 1865; and on the 7th of September, 1867;

"*And whereas*, The said lamentable civil war has long since altogether ceased, with an acknowledgment by all the States of the supremacy of the Federal Constitution and of the Government thereunder, and there no longer exists any reasonable ground to apprehend a renewal of the said civil war, or any foreign interference, or any unlawful resistance by any portion of the people of any of the States to the Constitution and laws of the United States;

"*And whereas*, It is desirable to reduce the standing army and to bring to a speedy termination military occupation, martial law, military tribunals, abridgment of the freedom of speech and of the press, and suspension of the privilege of *habeas corpus* and of the right of trial by jury, such encroachments upon our free institutions in time of peace being dangerous to public liberty, incompatible with the individual rights of citizens, contrary to the genius and spirit of our Republican form of Government and exhaustive of the national resources;

"*And whereas*, It is believed that amnesty and pardon will tend to secure a complete and universal establishment and prevalence of municipal law and order, in conformity with the Constitution of the United States, and to remove all appearances and presumptions of a retaliatory or vindictive policy on the part of the Government, attended by unnecessary disqualifications, pains, penalties, confiscations and disfranchisements, and on the contrary to promote and procure complete fraternal reconciliation among the whole people, with due submission to the Constitution and laws.

"Now, therefore, be it known that I, Andrew Johnson, President of the United States, do, by virtue of the Constitution, and in the name of the people of the United States, hereby proclaim and declare, unconditionally and without reservation, to all and to every person who, directly or indirectly participated in the

late insurrection or rebellion, except such person or persons as may be under presentment or indictment in any Court of the United States having competent jurisdiction upon a charge of treason or other felony, a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late civil war, with restoration of all rights of property, except as to slaves, and except also as to any property of which any person may have been legally divested under the laws of the United States.

"In testimony whereof, I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

"Done at the City of Washington, the fourth day of July, in the year of our Lord 1868, and of the Independence of the United States of America the 93d.

"ANDREW JOHNSON.

"By the President:

"WM. H. SEWARD, Secretary of State."

# CHAPTER XXII

RECONSTRUCTION.—STATUS OF THE REBEL STATES.—THE PRESIDENT'S POLICY.—ATTITUDE OF THE DEMOCRACY.—ACTION OF CONGRESS.—AMENDMENTS TO THE CONSTITUTION.—CIVIL RIGHTS BILL.

At the close of the war, the States of the conquered Confederacy were destitute of all Civil Government. Whatever sort of laws or forms of Government they had maintained during the period of the Rebellion were in opposition to the Federal Constitution, and upon the fall of Davis' Government the soil was the property of the United States, and the people in the same position as they were before the Rebellion, with this exception—that their voluntary acts of treason had attainted them, and rendered them unfit to participate in the affairs of Government, or to perform the acts and fulfill the offices of citizens. The Governments, Constitutions and laws of the States were completely prostrated, by reason of the people having lost their right of citizenship. To reconstruct these Territories into States, and give them a position in the Union, with Governments Republican in form, and also to restore the people to citizenship, devolved upon the Federal Government new and important duties.

On the establishment of Federal authority over these States and people, they were in the exact position of a conquered foreign nation, save that the people owed allegiance to the Government of the United States, of which they could not divest themselves so long as they remained upon the soil of the Union; and to recognize any other principle would be contrary to the customs of all

civilized nations; an abandonment of the strictest rules of international law; an acknowledgment of the lack of power in the National Federal Government to hold the several parts of the nation together, by measures sufficient to guarantee a Republican form of Government and a perpetuity of the Union.

The maintaining of *de facto* Governments for four years in the Slave States; their building and keeping afloat a navy; equipping and supporting an army which prosecuted a vigorous offensive and defensive war against the United States; an acknowledgment of their belligerent power; exchange of prisoners, and the establishment of National and State Governments foreign and opposed to the laws of the United States, and in violation of the constitutional powers binding the several States to the Union, gave them, so far as acts of hostility were concerned, the position of a foreign enemy; and this character they maintained for four years, and abandoned it only for the want of physical force longer to maintain it.

On the cessation of hostilities, the military power of the Nation stepped in under the authority of the Executive and the laws of war, to lend protection to the people, until such time as civil government could be established. The whole civil power of these States was prostrate, and the writ of *habeas corpus* suspended; and the regulations of the military forces, under the direction of Executive authority, was the only law of the land.

At the close of the Rebellion the President had appointed Military Governors in the States, and under their directions local elections were held, and other civil acts performed, tending to alleviate the condition of the people and prepare them for affiliation in the

great body politic of the Republic. It was soon found that these elections resulted in returning to office those who had been foremost in the Rebellion. And as they were a majority of the inhabitants, they had complete control of every office in the State; and in most cases a necessary qualification of the candidate was his persistent opposition to the Federal Government during the war. All those who had maintained a neutral position, or who advocated the Union cause, were ostracized from society, or expelled from the State, and considered ineligible to office. Elections were at once held for Congressmen and Senators to the National Councils of the Republic, which resulted in the return of those who in 1860 and 1861 had, in violation of their oaths, left the Congress of the Nation to join the Southern Confederacy, and who had acted as the highest officials in the civil and military departments of the rebel Government. These persons in due time presented themselves at the National halls for admission. At this point commenced the *second phase of the Rebellion.* If these men were to enter the Legislative Department of the Government, the fruits of victory of the four years' struggle would have been lost; the Proclamation of Emancipation would have been overthrown; the legislation prohibiting Slavery in any and all the territory under the jurisdiction of the United States, would have been repealed; the whole war debt of the so-called Confederacy at home and abroad, with every dollar of loss sustained by the States and people of the Slave States, with the value of every slave who had gone over to the Union, or had been lost by the operations of the war, would have been ordered paid, and the people of the North taxed for its liquidation. This conclusion is justified by

the acts and avowals of the leaders of the South, who offered no regret for their past conduct, nor would give any guarantee for the future, save declarations of open hostility to the Federal Government.

The National Congress refused to admit these people upon the powers granted it by the Federal Constitution, which in Article I, Sec. 5, says: "Each House shall be the judge of the elections, returns and qualifications of its own members." The Congress said that many, if not all, of those *voting* for these persons were, by acts of treason against the Government of the United States, disqualified to vote, as were also the persons elected, and that therefore the elections were illegal and void, and that the persons claiming admission to Congress were not qualified to take seats there because they were *attainted of treason;* and until such elections could be had as would be in conformity with the laws of the Nation, and such persons should present themselves as Congress should deem *qualified.* These people, and the territory upon which they resided, must remain under the general laws of Congress, as other territories of the Republic. To this proposition the people of the rebellious States demurred, as did also the whole Democratic party of the country, in which they were joined by the President, who disavowed any power in the Legislative Department of the Nation to prescribe terms of admission to the States lately in rebellion, or to the people of these States, respecting their qualifications.

Congress also said that by the acts of rebellion of the people, they had canceled all rights to representation; that their former State Constitutions were dead, and that until they adopted new ones, Republican in form, they could not participate in National legislation.

To this also did the President, the people of the South, and the Democrats in and out of Congress protest. Congress again invoked the Federal Constitution. Article I, Sec. 1, says: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The regulation and re-admission of the States lately in rebellion, they said, was a purely legislative regulation, and within the exclusive power of Congress.

Chapter IV, Sec. 3, of the Constitution, says: "New States may be admitted by the Congress into the Union." It is clear by this, that Congress must assent to their return as States, if they had been out of the Union. The same chapter and section also say: "Congress shall have power to dispose of and make all needful rules and regulations, respecting the territory or other property, belonging to the United States." Congress justly determined that under this clause, they could treat the States lately in rebellion, as they could treat other territory or *property belonging to the United States;* and upon this point there can be no legal doubt but that Congress was correct. When they were conquered, they were no longer "Foreign Nations;" they were not States in the Union, for they had no State Governments—the United States owned the soil, and the people were amenable to the laws of Congress.

Chapter IV, Sec. 4, of the Constitution, also says: "The United States shall guarantee to every State in this Union, a Republican form of Government." Congress said that the *United States* meant the *people*, through the three branches of the Government, each discharging its peculiar functions within its sphere;

the Legislative *making* the laws, the President *executing* them, and the Judiciary determining their *validity*. That those communities in the South did not have any State Governments *Republican* in form or otherwise in conformity with the laws of Congress, and that until they saw fit to adopt Constitutions within the requirements of the National Constitution, they must remain in a territorial condition. To this the people of the South objected; the whole Democratic party of the country sided with them, and the President assured them that *he alone* had the power of restoration; that Congress in its position, was assuming the duties of the Executive, dangerous to the institutions of free Government; that it was "no Congress, but a body hanging upon the verge of the Government." Thus encouraged by the Executive and the Democracy, the people of the rebellious States became defiant of Federal authority, and instituted a reign of terror throughout the South, resulting in serious riots and assassination of the advocates of the Congressional views. Here Congress and the President came to a dead lock against each other; and throughout his whole administration, to its close, every bill of importance enacted by Congress was opposed by the Democratic members and by the President, and had to be carried over the veto of the latter.

At no time in the history of the Republic was danger so apparent, resulting from legislative and executive conflict, as during the winter and spring of 1868, when the violation of the Constitution and an attempted subversion of the Government to his own will, put Andrew Johnson upon his trial of impeachment for high crimes and misdemeanors.

In support of the position taken by Congress that

in it was vested the exclusive power under the Constitution to regulate the political affairs of the rebel States, I shall here introduce the views of President Lincoln, the Judiciary Committee of the Senate of the United States, and the opinion of the highest judicial officers of the Republic.

President Lincoln, in recognition of the illegality of the State Governments of the seceded States, on the 12th of April, 1865, directed Major-General Weitzel, then in command at Richmond, Virginia, to withdraw any authority for the insurgent Legislature to meet.

Conformable to this view, the Judiciary Committee of the Senate, at the Second Session of the Thirty-eighth Congress, (Senate Reports, 127) reported that, in their opinion, the admission of Representatives from the rebel States could not be entertained "till, by some joint action of both Houses, there shall be some recognition of an existing State Government acting in harmony with the Government of the United States, and recognizing its authority."

In the case of Luther *v.* Borden (7 Howard's Reports), Chief Justice Taney says: "Under the Constitution, it rests with Congress to decide *what Government is the established one in a State;* for, as the United States guarantees to each State a Republican Government, *Congress* must necessarily decide *what Government is established* in a State before it can determine whether it is Republican or not; and when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the Government under which they are appointed, *as well as its Republican character*, is recognized by the proper constitutional authority, and *its decision is binding on every other department of the Government.*"

"Undoubtedly, a Military Government, established

as a permanent Government of a State, would not be a Republican Government, and it would be the duty of Congress to overthrow it." (Fleming *v.* Page, 9 Howard, 615; Cross *v.* Harrison, 16 Howard, 194; Federalist, 69, 85; Halleck's International Law, 785.)

No further argument is necessary to show the exclusive authority of Congress to regulate the affairs of the seceded States, at least so far as legislating for them while they remained in a territorial condition; and, to judge of the character of their Governments, it is clear, also, that the United States being bound by the Constitution to guarantee to every State a Republican form of Government, that the right to propose or suggest such forms of State Constitution, or other acts to be performed by these disorganized States, to give them a *Republican status*, was vested in Congress; and if these communities did not see fit to *adopt* them, then they would remain as do other territories of the country.

The Thirteenth Amendment, abolishing Slavery, having been adopted by a constitutional majority of the States, it became binding upon the seceded States as they came into the Union. Besides requiring of them to adopt new Constitutions, Republican in form, as a further condition before their admission, they were required to adopt the Fourteenth Amendment to the Federal Constitution. (See Constitution, Appendix.) This also was proclaimed by the President and the Democratic party as unconstitutional, tyrannical and oppressive. Congress being the judge of what is a Republican form of Government, and deeming this a necessary step to enable these disorganized States to *become Republican*, had undoubted legal authority for this act.

The great objection to this, besides the claim that Congress was assuming authority not delegated to it, was that it forced negro suffrage upon the South. In this its application will extend to every State in the Union admitted from the public territory, if Congress sees fit to exact it. But the amendment is not *imperative*, as will be seen by an examination of the second section of the amendment, and any and every State in the Union has the right to disfranchise any class they choose, black or white; and in most of the Western and Middle States proscriptions are still retained in their Constitutions against negroes exercising the right of suffrage; and no doubt so soon as a sufficient *white* element prevails in the Southern States, they will disfranchise the negro. The result being in all cases that when any State disfranchises any of its male inhabitants 21 years of age, being citizens of the United States, and not disqualified by acts of crime, then the representation of such State in Congress shall be reduced in the proportion that such restrictions are to the whole male population 21 years of age. This applies to every State in the Union, but was intended to abolish the long continued unequal advantage of the Southern States over the Free States, by their having a representation in Congress based upon the white population and *three-fifths* of the slave population. This amendment is indeed a step up the great ladder of American freedom and progress, and one that no man who loves justice can object to. It has purged the National Congress of the odious and Anti-Republican custom of a representation based upon *property*, and in that one respect, at least, places every State in the American Union upon an equal footing.

The passage of a law by the First Session of the 39th

Congress in 1866, declaring all persons born in the United States and not subject to any foreign power, citizens of the Republic, and also extending to every person in America equal rights before the law, brought forth fierce opposition from the whole Democratic party in and out of Congress, who declared that the tyranny of placing the negro upon an equality with them, was destructive of American liberty and the constitutional guarantees to the people of the sovereign States. The whole Democratic power in Congress voted against the measure, and President Johnson sent in his veto against it. It was carried over the veto, however, by the Republicans. The leading feature of the Act reads as follows:

"That all persons born in the United States and not subject to any foreign Power, excluding Indians, not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous condition of Slavery, or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States to make and enforce contracts; to sue, be parties, and give evidence; to inherit, purchase, lease, sell, hold, and convey real and personal property; and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding."

This law, the principal features of which are now a part of the Federal Constitution, at once places the National authority above the positions assumed by the States, in regulating and controlling the civil rights of the citizens of America. It at once broke down the despotism of those communities called States, which has from the formation of the Union defied and ignored

the fundamental principles of our National Government, by depriving large classes of the people of a participation in the affairs of the Nation, ignoring, on account of color, birth-place and religion, the right to maintain suits in law or equity, to testify in the Courts of the country, or to be eligible to office of trust or profit.

It took a long and bloody struggle for the friends of freedom to erect the monument of equal rights before the law, and to define, even in its present imperfect form, citizenship in the Republic. But the beautiful structure as it now stands, the conservator of the liberties of the people, marks the era of the triumph of the principles of the Republican party, and the decay of the barbarism of the Democracy of America, and the legislation of the Thirty-ninth Congress of 1866, long to be remembered by the friends of progress and human freedom.

The leading question absorbing public attention and the National Congress, from the close of the Rebellion to the present time, was the status of the seceded States and their people. This seemed to be paramount to all else. Statesmen and jurists of the highest standing in the Republic, have exhausted their legal knowledge upon the subject. Directly opposite views had been taken by men of acknowledged ability and integrity. The political importance attached to the subject, has undoubtedly to a considerable degree, shaped the opinions of some men upon the subject; it would be doing injustice to human nature to suppose otherwise.

In discussing the subject of the status of the rebellious States and their people, which I shall do briefly, I shall endeavor to be guided by the best legal light

before me, and by the application of those rules adopted by European nations since the formation of civil government.

The reader has already seen, in preceding chapters of this volume, what my views are upon the relation that the States hold to the Union: that they are but *parts* of the Nation, and have no sovereignty whatever, when that term is used in its usual meaning as applied to nations; and the reasons for my conclusion upon this subject have been fully set forth already. The remaining questions are: Were the States out of the Union, and what was the *status* of their inhabitants at the close of the war?

The States composing the Union are all alike subordinate to the laws and Constitution of the Nation, and any infraction of them may be redressed by the means pointed out by the laws themselves, or by such other measures as the circumstances may require. Congress is bound by the Constitution to guarantee to every State in the Union a Republican form of Government. If, therefore, any State should, by any *Legislative* act, so change its organic State laws that it would no longer be Republican in form, or fail to maintain a Republican Government, then it would be the bounden duty of Congress to declare the existing Government *not Republican;* to refuse it admission or representation in the National councils; to suspend the State Governments, and, through the Executive, declare martial law, or the general laws of the Nation, to be the only laws in force; and if those laws were resisted, then to call the armies of the Nation to enforce them; and, until such time as Congress recognized the State Government as being Republican, they would not be States in the Union. But then, say some, if they are

not States in the Union, then they must be States *out* of the Union, or out of the Union as foreign nations. I answer, no. It is immaterial whether a State holds the position of a *suspended* State, through Legislative acts of the National Government, or by the force of *arms* of the same Government. If for a time a State is able to maintain a sufficient resistance to the General Government, that the rights of belligerents be recognized and accorded to the people during the period of the *civil war;* if it assume that character, they are unquestionably *out of the Union* or Nation of which they were a member; and if they maintain their independence, their right to it would be recognized from the time that they successfully maintained their opposition and their separate Government; but if they *fail*, however protracted the contest, they assume the position of conquered provinces. They cannot enter upon a voluntary war to maintain their separation, and after a contest of arms, and failure to gain their independence, assume the status of States as they were when they entered into Rebellion, no more than they could, in defiance of Federal authority, assume the position of States without a Republican form of Government, when they were *suspended* for not being Republican, as the Constitution requires. And even if their State Constitutions were Republican when they entered into revolt against the National authority, they could not resume their former position at the close of the contest. First, because, by their acts of rebellion or civil war, they abrogated the former ties—the State Constitution—which bound them to the Union, and they could not now pick up the Constitution, together with the fragments of State laws, and return to the Union. Secondly: by their rebellion they had lost their status of

*citizenship*, and that could be restored only by Executive authority, by pardon, or by the Legislative power removing such disabilities, and permitting them to participate either in State or National affairs.

It may be argued by some that these States and people were completely out of the Union, and that the allegiance of the people to the United States ceased so soon as they became the subjects or citizens of another Nation. This view is neither in harmony with the principles of law nor reason. In one event only could such a position be tenable, and that is in the case where the revolutionists would maintain their independence and be acknowledged as a nation by established Governments.

In addition to the views already expressed upon this subject, it would be well to call the attention of the intelligent reader to the fact, that while the Constitution and Government of a State may lie prostrate from either acts of rebellion, or, because of Anti-Republican tendencies, the *land* is not affected; *it is only the people that are affected.* The *sovereignty* of the soil rests in the Federal Government; and through whatever changes, politically, the affairs of the State pass, it still remains there until some foreign power asserts, and maintains, a right to it, and enters into acknowledged possession.

If, by acts of war, the rebels are subjugated, upon their laying down their arms, they are *civiliter mortuus;* and so far as citizenship is concerned, as if by disease, or in combat, every man in the State was *physically dead.* And were this the case, the soil, its rivers, forests, ports, lakes and seas, would still be the lawful property of the sovereign. *This was the exact condition of both States and people, in the rebel States, when the war ended.*

But further, the people were not as if dead, in regard

to their allegiance which they owed to the Federal Government, for so long as they remained, or were found upon any portion of the soil of the Republic, State or Territory, they were amenable to the law for their acts of treason, subject to the laws of the State, where they might reside, and subject to the Federal and military laws of the Union, in any and all States and Territories, including the soil upon which they rebelled; liable to taxation, and subject to draft and military duty. Their allegiance to the Federal Government was in no way abridged; they had lost their own political rights by acts of their own, but they could not deprive the National Government of its rights over them, so long as they remained upon American soil. They could throw off their allegiance to the Government only by removing to a foreign Nation, and there becoming citizens, renouncing their allegiance to the United States. But even this would not release them from future pains and penalties for treason, committed against the United States, by acts while on its soil, and of which they were not relieved before they left the country, should they ever return.

Outside of the legal *status* of the people of the rebellious States, much has been said in favor of their admission into the Union, upon the score of equal justice, and humanity; and that all that was necessary was for the people to lay down their arms and return to their former pursuits, and enjoy all the rights of citizens. It is difficult to conceive upon what hypothesis of equal justice this argument can be made, unless treason and rebellion be regarded as worthy of hire and salary. But such is not the case; for neither the National Government, nor the patriotic millions who fought for its preservation, could take to their embrace and fellowship, those who, of their own volition, in

the calm and peaceful repose of the Nation, while she slept—lulled to rest in confidence of the patriotism of these same people—did steal upon her, at the still hour of the night, plunge their daggers into her breast, and only desisted when, after four years of reckless and cruel war, they had slain hundreds of thousands of their fellow citizens; had incurred a national debt that must continue to oppress the people for a century; had invaded and menaced the National Capital; butchered Union soldiers in cold blood; confined them in filthy prison pens, where they famished and died of disease and starvation, by thousands; entered into conspiracies to burn the homes and cities of the people of the loyal States; employed scientific fiends to poison the aqueducts and springs of water within the Free States; and to spread the virus of contagious and malignant disease in the tents and hospitals of wounded and dying patriotic soldiers; had dotted the whole land with new-made graves, over which the sorrowful face of the mother and child wept in despair; had broken the family circle of every household in the land; draped the Nation in mourning, and had nigh overturned the foundations of the American Republic, and established a foreign Government upon its ruins. That these people should, so soon as their weapons were taken from their hands by superior force of the armies of the Government which they had thus offended, without any guarantees for the future or repentance for the past, unpurged of their high crimes against the Nation and its people, establish State Governments, and enter the National halls of legislation to accomplish there what they failed to accomplish by force of arms, would neither be consistent with the instincts and teachings of human nature, nor the preservation of national liberty.

But it is neither the policy, nor is it consistent with the genius of American Republicanism to inflict severe pains and penalties. The law of the land prohibits corruption of blood, or forfeiture of estate, even for treason—save during the life of the offender; and the lenient hand of the Government toward those engaged in the late Rebellion, not exacting the life of a single individual, and gradually lifting the burden of their offenses from them, and baptizing them anew in the fountain of American citizenship, is a sublime spectacle of the majesty of freedom, when entrusted to the keeping of an educated and patriotic people.

The burden of political infidelity is now removed from the great mass of the people of the rebellious States, and one by one, as each offender will return, all will again march beneath the National banner, proud of the greatness and freedom of their country.

The States, lately in rebellion, whose restless commotion distracted their equilibrium, and obscured their light from mightiest telescopic view through the dense clouds of political disaster, have, obedient to a law of nature, gravitated in their orbs, and again, like wandering stars, that had passed through the shock of the darkness of night, when the celestial artillery had ceased its roar, and the smoke of contending elements had given place to a clear sky, appear among the National galaxy, polished in the conflict, and shining with new lustre; their citizens wiser, and, it is to be hoped, better people—content to seek happiness within the sphere of the laws and institutions of the Federal Government, where they will find it much cheaper and easier obtained, than dreaming over the phantom of the Lost Cause, or clinging to the unsubstantial fabric of State Rights and Squatter Sovereignty.

# CHAPTER XXIII.

FEDERAL UNION.—CONSTITUTIONS OF THE SEVERAL STATES.—ELECTIVE FRANCHISE IN THE SEVERAL STATES.—WHO ARE ELIGIBLE TO OFFICE.—COLONIAL ROYAL CHARTERS.—ADOPTION OF STATE CONSTITUTIONS.—OF THE FEDERAL CONSTITUTION.—ADMISSION OF STATES INTO THE UNION.

In considering the political affairs of the American Republic, one important fact must always be kept in view, namely: that the *people* constitute the Government; that unlike other nations whose Governments are conducted by a small class of the inhabitants, presided over by an hereditary Monarch, in America *every office* is filled by popular vote. True, in judicial and other positions, appointments are made by the President and Cabinet; but the President who makes the nomination is elected, and in so far as he regards his political standing and chances for future success, he is amenable to the people; and the Senate, which confirms and acts in the appointments, is also elected. Besides, all officers are liable to impeachment, be they elected or appointed; and the Court to preside over such impeachment, in matters connected with the Federal Government, is the United States Senate, the members of which are elected.

The division of the people of the Nation into political bodies, known as States, is for the more convenient administration of municipal government, just as counties are created within States, and cities within counties. It is a political absurdity to denominate these political societies *Sovereign States*, unless we acknowledge *sovereignty* to belong to every body politic

that is not absolutely beneath the dignity of a village corporation.

That the thirteen Colonies were "sovereign and independent States" before the adoption of the Articles of Confederation, no one versed in the history of the country, or in the science of government, will dispute; but on the adoption of that instrument, they relinquished their highest political rights, and handed them to the *United States*, which became the paramount legislative and executive head of all the States; not in *all* things, but in all such powers as were *specifically* delegated, and those were the highest political functions of the States.

By Article VI, Sec. 1, of the Articles of Confederation, "No State shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince, or State."

Section 2d, of the same article, clearly indicates, that even under the Articles of Confederation, the States did not retain the position of *Sovereign* States, and that not a vestige of nationality existed in them, save in their being fractions of the sovereign power the United States created by the general laws binding them together. The section alluded to reads as follows: "No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled."

It is most difficult to see where the "sovereignty" or "nationality" of these States were, after the adoption of the above. By Article IX, Sec. 1, "The United States in Congress assembled" had the sole power of declaring war, concluding peace, and of sending and receiving Embassadors.

The several States were fully divested of every principle of sovereignty that was ever attached to them by the adoption of these articles; and all that the adoption of the Federal Constitution did, was to more fully *define* the powers of the National Government.

In my examination of the powers vested by the Constitution in the different branches of the Government, in a preceding chapter, the subject of the powers of the General Government over the States, will be found pretty fully discussed; also in the chapter relating to Reconstruction.

The Federal Government existing under the Constitution and laws of the Nation is eminently *Republican* in letter, spirit, and practice. The Civil Rights Bill and the XIIIth and XIVth amendments to the United States Constitution, have completed its Republican character. But the political latitude assumed by many of the *States*, has, within their jurisdiction, completely subverted the Republican form of Government, as defined by the Federal Constitution, and established within their limits Governments ranging all the way from semi-Republicanism to despotism. It indeed seems strange that the people of America could have so long tolerated communities within the General Government so destitute of anything approaching Republicanism as had existed from the adoption of the Constitution up to 1860, and as exists up to this day in some of the States.

That the reader may fully understand my views upon this important subject, I shall arrange in chronological order the rights of citizens under the Constitutions and laws of the several States in the Union. The arrangement will be made in the order in which the States entered the Union, and as they were January

1st, 1869, except those of the seceded States, which are given as they were at the close of the Rebellion, in April, 1865.

DELAWARE.—One of the original thirteen States, received a royal charter in 1682, adopted a Constitution in 1776, and was the first of the States to adopt the Federal Constitution, December 7th, 1787. Her present Constitution was adopted December 2d, 1831.

*Electors.*—Free white male citizens 21 years of age, having resided one year in the State, and one month in the county where voting, and having paid a county tax within two years. Also, white male citizens 21 years of age, and under 22 years, may vote without having paid a tax.

*Governor.*—Holds his office for four years; must be at least 30 years of age; a citizen and inhabitant of the United States 12 years, and 6 years an inhabitant of the State.

PENNSYLVANIA.—One of the original thirteen States, received a royal charter in 1681, adopted her first Constitution in 1776, a new one in 1790, and again another, her present one, in 1838. She adopted the Federal Constitution December 12th, 1787.

*Electors.*—White freemen of the age of 21 years, who have resided in the State one year, and who have within two years paid a State or County tax. Also, white freemen between the ages of 21 and 22, without having paid a tax. Article IX, Section 3, of her Constitution, says: "That no human authority can, in any case whatever, control or interfere with the rights of conscience." Section 4, of the same Article, declares that "persons not believing in a future state of rewards and punishments may not hold any office or place of

trust or profit under this Commonwealth." These sections are certainly in direct opposition to each other, and the last one Anti-Republican, according to the Federal Constitution, which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This is the standard set up by the Federal Government upon this subject for a Republican form of Government. The Constitution of Pennsylvania, therefore, is not Republican, and her State Government should be suspended by Congress until a State Constitution, Republican in form, is adopted.

*Governor.*—Holds his office for three years; must be 30 years of age, and a citizen and resident of the State for seven years.

New Jersey.—This was also one of the original thirteen States. This State received a royal charter in 1665, and a second one in 1675; adopted a Constitution in 1776; adopted the Federal Constitution December 13th 1787, and adopted her present Constitution June 29th, 1844.

*Electors.*—Every white male citizen of the United States, residing in the State one year.

*Governor.*—Holds his office for three years; must be a citizen of the United States for twenty years, and of the State for seven years.

Georgia.—Georgia, one of the original thirteen States, received a royal charter in 1732; adopted her first Constitution in 1777; adopted the Federal Constitution January 2d, 1788; adopted a new State Constitution in 1785, and her present one on the 30th of May, 1798.

*Electors.*—White male citizens 21 years of age, who

have paid taxes, inhabitants of the State, and residents in the county six months. State Senators must be 25 years of age, and nine years citizens of the United States, three years inhabitants of the State, and must possess a freehold estate of the value of $500, or taxable property worth $1,000 in the county of his residence. Representatives in the Legislature must be 21 years of age, and possessed of a freehold estate of the value of $250, or taxable property worth $500; must have been seven years citizens of the United States, and three years inhabitants of the State.

*Governor.*—Holds his office for two years; is elected by the Legislature; must be a citizen of the United States twelve years, and an inhabitant of the State six years; thirty years of age, and must be possessed of 500 acres of land in his own right, within the State, and other property to the amount of $4,000, clear of all debts.

Connecticut.—Connecticut, one of the original thirteen States, received a charter in 1662 from Charles II, which was confirmed by England in 1688. She did not adopt a State Constitution until December 15th, 1818. She adopted the Federal Constitution January 9th, 1788.

*Electors.*—All white male citizens of the United States 21 years of age, who shall reside in the State for one year, and shall sustain a good moral character, and be able to read any Article of the Constitution, or any Section of the Statutes of the State.

*Governor.*—Holds his office for one year; must be 30 years of age, and an elector.

Massachusetts.—This State, one of the original thirteen States, received a royal charter in 1620; another in 1692. Adopted her first and present Constitution

in 1780. Adopted the Federal Constitution February 6th, 1788.

*Electors.*—Every male citizen 21 years of age, who has resided in the State one year; has paid a tax within two years; "can read the Constitution of this Commonwealth in the English language, and can write his name; but these last requirements shall not apply to persons physically disabled to perform such offices."

*Governor.*—Is elected annually; must have been an inhabitant of the State for seven years.

MARYLAND.—Maryland, one of the original thirteen States, received a royal charter in 1632, another in 1650; adopted a Constitution in 1776; adopted the Federal Constitution April 28th, 1788, and her present Constitution May 13th, 1851.

*Electors.*—Free white male citizens twenty-one years of age, having resided one year in the State, and six months in the county.

*Governor.*—Holds his office for four years, must be thirty years of age, five years a citizen of the United States, five years a resident of the State, and three years a resident of the district from which he is elected. Article III, Sec. 2, of the Constitution says: "No minister or preacher of the gospel of any denomination, shall be eligible as Senator or Delegate." Article XXXIII of the Declaration of Rights to the same Constitution, says: "That it is the duty of every man to worship God, in such manner as he thinks most acceptable to him. All persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law, to be molested in his person or estate, on account of his religious persuasions or professions, or for his religious practices." How can

the good people of Maryland reconcile these two sections, when they do, by the first, deprive a man of his rights, liberty, and privileges for the exercise of his religious belief. This Constitution is Anti-Republican.

South Carolina.—This State was also one of the original thirteen States. Her Constitution was adopted in 1775. She adopted the Federal Constitution May 23d, 1788, and her present Constitution in 1790.

*Electors.*—Free white men twenty-one years of age and citizens of the State, having resided therein two years, and having a freehold of 50 acres of land, or owning a town lot; not possessing the former property, the payment of a tax of three shillings sterling entitles them to vote for members of the Legislature. To hold a seat in the House of Representatives, must be a free white man twenty-one years of age, and a citizen and resident of the State for three years; must be possessed of a freehold of 500 acres of land and ten negroes, or of real estate of the value of fifty pounds sterling clear of debt. State Senator must be thirty years of age, a free white male citizen, and resident of the State for five years; if a resident in the electoral district, he must hold a freehold of the value of three hundred pounds sterling; if not a resident of the district, he must own a freehold of the value of one thousand pounds sterling.

*Governor.*—Holds his office for two years; is elected by the Legislature; must be thirty years of age; a citizen and resident of the State for ten years, and be possessed of a freehold estate of fifteen hundred pounds sterling.

New Hampshire.—One of the original thirteen States; adopted her first Constitution in 1784; adopted the

Federal Constitution January 21st, 1788, and adopted her present Constitution February, 1792.

*Electors.*—All male inhabitants twenty-one years of age, having "town privileges;" also the "inhabitants" who shall be required to assess taxes upon themselves for the support of the Government. (It would accommodate the public if they could know what the "town privileges" of New Hampshire are, also who are "inhabitants required to assess taxes upon themselves," so they might know who can vote.)

*Governor.*—Is elected annually; he shall be an inhabitant of the State for seven years, and thirty years of age. Part I, Sec. 5, of the Bill of Rights, declares that "every individual has a natural and inalienable right to worship God according to the dictates of his own conscience and reason." Section 6, same Article, says: "And every denomination of Christians, demeaning themselves quietly and as good citizens of the State, shall be equally under the protection of the law." Is not this a departure from the doctrine in the first Article quoted, extending the protection of the law to Christians only? What of the hundreds of other denominations, are they not all embraced within the clause giving to every individual the right to worship God according to the dictates of his conscience? Why not they, too, be protected, if they be "good citizens?"

VIRGINIA.—One of the original thirteen States; received a royal charter in 1606, and another in 1609. She adopted a Constitution in 1776; adopted the Federal Constitution June 26th, 1788; adopted a new State Constitution in 1830, and another in 1851.

*Electors.*—White male citizens twenty-one years of age, who have resided in the State two years.

*Governor.*—Must be thirty years of age, a native born citizen of the United States, and resident of Virginia five years. Senators, twenty-five years of age; Representatives, twenty-one.

New York.—One of the original thirteen States; received a royal charter in 1664; adopted a Constitution in 1777, and adopted the Federal Constitution July 26th, 1788; adopted another State Constitution in 1822, and her present one October 9th, 1846.

*Electors.*—Every male citizen twenty-one years of age, who has resided in the State one year, and has been a citizen for ten days. Colored persons must have been citizens of the State for three years, and possessed of real estate to the value of $250, free of all incumbrances.

*Governor.*—Holds his office for two years; must be thirty years of age, a citizen of the United States, and resident of the State for five years.

North Carolina.—One of the original thirteen States; received a royal charter in 1630, and another in 1663; adopted a Constitution in 1776; adopted the Federal Constitution November 21st, 1789.

*Electors.*—White male citizens twenty-one years of age, who pay a tax, and shall be possessed of fifty acres of land.

*Governor.*—Shall hold his office for two years, must be thirty years of age, a resident of the State five years, and possessed of a freehold in the State, of the value of one thousand pounds sterling.

*Representatives.*—Must reside one year in the county they represent and possess 120 acres of land.

*Senators.*—Must reside in their district one year, and be possessed of 300 acres of land. Section 19, of their Declaration of Rights, says: "That all men have a

natural and inalienable right to worship Almighty God according to the dictates of their own consciences."

Section 34, of the Constitution, says: "That there shall be no establishment of any religious church or denomination in this State in preference to any other;" and that "all persons shall be at liberty to exercise their own mode of worship."

It is singular with what impunity the people who could write and adopt such language as has been quoted here, in the face of this, could have disfranchised a portion of their citizens for the exercise of conscience, and establish a religious prescription, in violation of the principles of the Constitution of the United States. Section 2, Article IV, of the amendments to the Constitution of North Carolina, says: "No person who shall deny the truth of the Christian religion, or the divine authority of the Old and New Testament, shall be capable of holding any office, or place of trust, or profit, in the civil department within this State."

This Constitution did not afford the people a Republican form of Government, and undoubtedly the State Government could have been suspended by the Congress of the United States, and their Representatives refused admission to the National Legislature.

Section 31, of her Constitution, disfranchises her citizens on account of the exercise of religious belief. It says: "No clergyman or preacher of the Gospel of any denomination, shall be capable of being a member of either the Senate or House of Commons, or Council of State."

Rhode Island.—The last of the thirteen original

States that entered the Union, received a royal charter in 1663; adopted the Federal Constitution May 29th, 1790, and her present Constitution November 23d, 1842.

*Electors.*—Native male citizens twenty-one years of age. Also, naturalized citizens twenty-one years of age, who own real estate worth $134 over all incumbrances, or which rents for $7 per annum.

*Governor.*—Is elected annually.

VERMONT.—This was the first State, after the original thirteen, that came into the Union. She adopted a Constitution in 1777, was admitted into the Union March 4th, 1791, and adopted her present Constitution July 9th, 1793.

*Electors.*—Male citizens twenty-one years of age, who have resided in the State one year, are of a quiet and peaceable behavior, and will make oath that they will cast their vote according to their consciences for the best interests of the State of Vermont, "without fear or favor of any man."

*Governor.*—Is elected annually; must have resided in the State four years.

*Senators.*—Must be thirty years of age, and freemen.

*Representatives.*—Shall reside two years in the State.

KENTUCKY.—Adopted a Constitution in 1790; another in 1799; admitted into the Union June 1st, 1792; adopted her present Constitution June 11th, 1850.

*Electors.*—Free white men twenty-one years of age, citizens of the United States, and citizens of the State two years, and one year in the county where they vote.

*Governor.*—Is elected for four years; is ineligible for the next four years; must be a citizen of the United States; thirty-five years of age, and been a resident of the State six years.

*Senators.*—Must be thirty years of age, resident in the State six years, and in the district one year.

*Representatives.*—Must be twenty-four years of age, reside in the State two years, and one year in the county they represent. Section 5, of the Bill of Rights, declares: "That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no human authority ought, in any case whatever, to control or interfere with the rights of conscience, and that no preference shall ever be given by law to any religious societies or modes of worship." Article III, Sec. 6, of the same Constitution, says: "No minister of any religious society shall be eligible to the office of Governor;" and Article II, Sec. 27: "No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect, shall be eligible to the General Assembly." These last sections are in direct derogation of the declaration of the Bill of Rights of the State, and opposed to the Federal Constitution, and are Anti-Republican. Kentucky cannot have a Republican form of Government under such prescriptions, and the National Congress has an undoubted constitutional power to suspend her State Government, refuse her Representatives seats in the Congress, and hold the State under Federal laws as one of the Territories until she adopts a Government Republican in form.

TENNESSEE.—Adopted a State Constitution in 1796; admitted into the Union June 1st, 1796, and adopted her present Constitution August 30th, 1834.

*Electors.*—Free white male citizens twenty-one years of age, having resided six months in the county where

they vote; also all colored men, who are competent witnesses in a Court of Justice against a white man.

*Governor.*—Holds his office for two years; must be thirty years of age, a citizen of the United States and of the State for seven years.

*Senators.*—Must be thirty years of age and citizens of the State three years.

*Representatives.*—Must be twenty-one years of age and citizens of the State three years.

In the Constitution of Tennessee the Declaration of Rights, Article I, Sec. 3, says: "No human authority can in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishment or mode of worship." Section 4: "That no religious test shall ever be required as a qualification to any office, or public trust under this State." Article IX, Sec. 1, of the same Constitution, says: "No minister of the gospel or priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature." This section is in direct conflict with the Declaration of Rights, is opposed to the letter and spirit of the Federal Constitution, and is Anti-Republican. The Federal Congress had undoubted legal authority to suspend the State Government of Tennessee, and to refuse her representatives admission, until she adopted a Constitution Republican in form.

Ohio.—Admitted into the Union November 29th, 1802; adopted her present Constitution March 10th, 1851.

*Electors.*—White male citizens twenty-one years of age, who have resided in the State one year.

*Governor.*—Is elected for two years. Senators and

Representatives are elected for two years; must have resided in their counties or districts one year.

Being a citizen and a voter is the only qualification necessary to be eligible to any office in the State.

LOUISIANA. — Adopted State Constitution in 1812; admitted into the Union April 8th, 1812; adopted another State Constitution in 1845, and another July 31st, 1852.

*Electors.*—Free white male citizens twenty-one years of age, who have resided in the State one year.

*Governor.*—Is elected for four years, must be twenty-eight years of age, and a citizen and resident of the State for four years.

*Senators* and *Representatives* are elected for two years; all legal voters are eligible as Senators and Representatives.

INDIANA.—Adopted a Constitution in 1816; admitted into the Union December 11th, 1816; adopted her present Constitution February 10th, 1851.

*Electors.*—White male citizens twenty-one years of age, having resided in the State six months. Also aliens, being males and twenty-one years of age, who have made their declaration to become citizens of the United States, having resided in the United States one year, and in the State six months.

*Governor.*—Is elected for four years; must have been for five years a citizen of the United States, and resident of the State five years, and be thirty years of age.

*Senators.*—Are elected for four years; must be twenty-five years of age; citizens of the United States; residents of the State for two years, and inhabitants of the county or district for one year.

*Representatives.*—Are elected for two years; must be

twenty-one years of age, and citizens of the United States.

MISSISSIPPI.—Adopted a Constitution in 1817; was admitted into the Union December 16th, 1817.

*Electors.*—Free white male citizens twenty-one years of age, who have resided in the State one year, and the county for four months.

*Governor.*—Holds his office for two years; must be thirty years of age; a citizen of the United States for twenty years; a resident of the State five years, and shall not be capable of holding the office more than four years in any term of six years.

*Senators.*—Are elected for four years; must be thirty years of age; citizens of the United States; inhabitants of the State four years, and of the district one year.

*Representatives.*—Are elected for two years; must be twenty-one years of age; citizens of the United States; residents of the State two years, and of the district one year.

The Declaration of Rights of Mississippi, Article I, Sec. 3, says: "The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State." Section 4: "No preference shall ever be given by law to any religious sect or mode of worship." Section 5: "That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity." Article VII, Sec. 5, says: "No person who denies the being of a God, or a future state of reward and punishment, shall hold any office in the civil department of this State." How can these sections be harmonized? And is not this last one in direct violation of the declared rights of conscience, as expressed

in Sections 3, 4, and 5 of the Bill of Rights? If it is not interfering with the right of conscience, and depriving a person of civil rights, to disqualify them from holding *any civil office*, and remove them from office if they should be elected or appointed, because they would not make solemn oath that they believed in a "future state of rewards and punishments," then I do not understand what the gracious people of Mississippi would denominate an interference with the right of conscience. The National Congress had a right also to suspend the State Government of this State, as being in derogation of the Federal Constitution, and Anti-Republican and despotic.

Illinois.—Adopted a Constitution in 1818; was admitted into the Union December 3d, 1818; adopted her present Constitution August 31st, 1847.

*Electors.*—White male citizens twenty-one years of age, having resided in the State one year.

*Governor.*—Is elected for four years; must be thirty-five years of age; a citizen of the United States for fourteen years, and resident of the State ten years; he shall not be eligible more than four years in any term of eight years.

*Senators.*—Are elected for four years; must be thirty years of age; citizens of the United States; for five years citizens of the State, and one year of the county where elected.

*Representatives.*—Are elected for two years; must be twenty-five years of age; citizens of the United States, and of the State for three years, and one year of the county.

No person shall be elected or appointed to any office in the State, civil or military, who is not a citizen of

the United States, and who shall not have resided in the State one year immediately before such election or appointment.

Alabama.—Adopted her Constitution the second day of August, 1819; was admitted into the Union December 14th, 1819.

*Electors.*—White male citizens twenty-one years of age, having resided in the State one year.

*Governor.*—Is elected for two years; is ineligible for more than four years in any term of six years; must be thirty years of age and a native of the United States, and shall have resided in the State four years.

*Senators.*—Are elected for three years; must be white male citizens twenty-seven years of age, inhabitants of the State two years, and one year of the district where they are chosen.

*Representatives.*—Must be white male citizens twenty-one years of age; inhabitants of the State two years, and the county in which they are elected for one year.

Maine.—Adopted a Constitution October 29th, 1819; was admitted into the Union March 15th, 1820.

*Electors.*—Every male citizen of the United States twenty-one years of age, having resided in the State three months; also Indians when taxed.

*Governor.*—Is elected for one year; must be a native born citizen of the United States, thirty years of age, and five years a resident of the State.

*Senators.*—Are elected for one year; must be twenty-five years of age, citizens of the United States five years and residents in the State one year, and for three months in the district they represent.

*Representatives.*—Must be twenty-one years of age, citizens of the United States for five years, residents

of the State one year, and three months in the county where elected.

MISSOURI.—Adopted a Constitution in 1821; admitted into the Union August 10th, 1821.

*Electors.*—Free white male citizens twenty-one years of age, having resided one year in the State and three months in the county or district where they vote.

*Governor.*—Is elected for four years; he shall be ineligible for the next four years after the term of his office; shall be a free white citizen of the United States for ten years, and of the State of Missouri at least five years; he shall be thirty years of age.

*Senators.*—Are elected for four years; must be thirty years of age, free white male citizens of the United States, inhabitants of the State four years and of the district for one year, and have paid a State or county tax one year before election.

*Representatives.*—Are elected for two years; must be twenty-four years of age, free white male citizens of the United States, inhabitants of the State for two years, and of the county or district they represent one year.

The Declaration of Rights, Article XI, Sec. 4, of the State Constitution, says: "that all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences." Section 5, of the same Article, says: "That no person on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State." Article III, Section 13, of the Constitution, says: "No person, while he continues to exercise the functions of a bishop, priest, or clergyman, or teacher of any religious persuasion, denomina-

tion, society, or sect whatever, shall be eligible to the office of Governor, Lieut.-Governor, or to either House of the General Assembly, nor to the office of Judge in any Court of Record." These provisions of the Constitution are in direct conflict with each other. The last one quoted deprives the citizen of his rights, on account of his religious opinions and practices, and as a religious *test* for office, is in violation of the solemn declaration of the Federal Constitution. The National Congress in the case of this State, had legal authority to suspend the State Government until a Constitution Republican in form was adopted.

Arkansas.—Adopted a Constitution in 1836; admitted into the Union June 15th, 1836; adopted another State Constitution November 17th, 1846.

*Governor.*—Is elected for four years, and shall not be eligible for more than eight years in any term of the twelve years; shall be thirty years of age, and a native born citizen of Arkansas, or a native born citizen of the United States, or a resident of Arkansas ten years previous to the adoption of the Constitution, if not a native of the United States; and shall have resided in the State four years.

*Electors.*—Free white male citizens of the United States, twenty-one years of age, and citizens of the State six months.

*Senators.*—Are elected for four years; must be thirty years of age, free white male citizens of the United States, inhabitants of the State one year.

*Representatives.*—Are elected for two years, must be twenty-five years of age, and free white male citizens of the United States.

Article II, Section 3, of the Declaration of Rights,

says: "That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own conscience." Section 3, of Article IX, of the Constitution, says: "No person who denies the being of a God, shall hold any office in the civil department of this State, nor be allowed his oath in any Court." Whether the belief in a Great Spirit permeating space, or a belief in a physical body, will satisfy the good people of Arkansas, is not defined. This Constitution is Anti-Republican, in conflict with the Federal Constitution; and the National Congress had legal power to suspend the State Government, because it was not Republican in form.

MICHIGAN.—Was admitted into the Union January 26th, 1837; adopted her present Constitution August 15th, 1850.

*Electors.*—White male citizens, and white male inhabitants, residing in the State on the 24th of June, 1835, and white male inhabitants residing in the State on the 1st of January, 1850, who have declared their intention to become citizens of the United States; and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe. All voters must be twenty-one years of age, and residents of the State three months.

*Governor.*—Is elected for two years; must be thirty years of age; a citizen of the United States for five years, and a resident of the State two years.

*Senators.*—Are elected for two years.

*Representatives.*—Are also elected for two years. Senators and Representatives shall be citizens of the United States, and qualified electors.

FLORIDA.—Adopted a Constitution December 3d, 1838; admitted into the Union March 3d, 1845.

*Electors.*—Free white male citizens of the United States twenty-one years of age, who have resided in the State two years, and six months in the county where they vote.

*Governor.*—Is elected for four years; he shall not be eligible for the next four years after the expiration of his term; must be thirty years of age; must be a citizen of the United States for ten years, and a resident of the State five years.

*Senators.*—Are elected for two years; must be white male citizens of the United States; inhabitants of the State two years, and be twenty-five years of age.

*Representatives.*—Must be white male citizens of the United States; inhabitants of the State two years; the last year in the county from which they are elected, and shall be twenty-one years of age.

Article VI, Sec. 10, says: "No minister of the Gospel shall be eligible to the office of Governor, Senator, or member of the House of Representatives of this State." The Constitution of Florida in this was Anti-Republican, and its State Government could have been suspended by the National Congress until a Constitution Republican in form would be adopted.

Texas.—Adopted a Constitution August 27th, 1845; admitted into the Union December 29th, 1845.

*Electors.*—Free male citizens of the United States twenty-one years of age, having resided in the State one year, and in the county where they vote six months. Also, citizens of the Republic of Texas, and Indians, if taxed. Africans and their descendants are excluded.

*Governor.*—Is elected for two years; must be thirty years of age; a citizen of the United States, and resident of the State two years.

*Senators.*—Are elected for four years; must be thirty years of age; citizens of the United States, or citizens of the Republic of Texas at the adoption of the Constitution, and inhabitants of the State three years, and one year in the district.

*Representatives.*—Are elected for two years; must be twenty-one years of age; citizens of the United States, or citizens of the Republic of Texas at the time of the adoption of the Constitution, and inhabitants of the State two years.

Iowa.—Adopted a Constitution in 1844; was admitted into the Union December 28th, 1846.

*Electors.*—White male citizens of the United States twenty-one years of age, who have resided in the State six months next preceding the election, and sixty days in the county.

*Governor.*—Holds his office for two years; must be thirty years of age; a citizen of the United States for two years, and a resident of the State two years.

*Senators.*—Are elected for four years; must be twenty-five years of age; white male citizens of the United States; inhabitants of the State one year, and of the county or district sixty days.

*Representatives.*—Are elected for two years; must be twenty-one years of age; free white male citizens of the United States; inhabitants of the State one year next preceding their election, and sixty days in the county. On the 3d of November, 1868, Iowa amended her Constitution by striking out the word *white* in the qualification for electors, thus adopting universal suffrage.

Wisconsin.—Adopted a Constitution February 1st, 1848; admitted into the Union May 29th, 1848.

*Electors.*—1st. White citizens of the United States. 2d. White persons of foreign birth, who shall have declared their intention to become citizens. 3d. Persons of Indian blood, who have been declared citizens of the United States by law of Congress. 4th. Civilized persons of Indian descent, not members of any tribe. In all cases must be twenty-one years of age, and have resided in the State one year next preceding election.

*Governor.*—Is elected for two years; one year's residence in the State, and being a qualified elector, is the only qualification required.

*Representatives.*—Are elected for one year; one year's residence in the State, and being qualified electors, is the only qualification required.

California. — Adopted a Constitution Nov. 13th, 1849; admitted into the Union September 9th, 1850.

*Electors.*—White male citizens of the United States, and white male citizens of Mexico, who have elected to become citizens of the United States, under the treaty of Queretaro, of the thirtieth of January, 1848, of the age of twenty-one years, who have resided in the State six months next preceding any election, and in the county or district wherein he votes, thirty days. The Legislature may admit Indians or the descendants of Indians to the right of suffrage.

*Governor.*—Is elected for four years; must have attained the age of twenty-five years, be a citizen of the United States, and resident of the State for two years next preceding the election

*Senators.*—Are elected for four years, must be citizens and inhabitants of the State for one year, and of the county or district from which they shall be chosen, six months next preceding the election.

*Representatives.*—Are elected for two years; must be

citizens and inhabitants of the State for one year, and of the county or district for which they are chosen, six months next before their election.

Minnesota.—Adopted a Constitution in 1857; was admitted into the Union December, 1857.

*Electors.*—Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the United States one year, and in the State four months next preceding any election.

1st. White citizens of the United States. 2d. White persons of foreign birth who have made a declaration of citizenship. 3d. Persons of white, mixed, or Indian blood. 4th. Persons of Indian blood residing in the State, who have adopted the language, customs, and habits of civilization, who after an examination before a District Court of the State, shall be pronounced capable of enjoying the rights of citizenship. On the 3d day of November, 1868, the Constitution of Minnesota was amended by striking out the word *white* in the qualifications for electors, thus adopting universal suffrage.

*Governor.*—Is elected for two years; must be twenty-five years of age, a citizen of the United States, and resident of the State one year.

*Senators.*—Are elected for two years; qualifications of a legal voter is all that is required to be eligible.

*Representatives.*—Are elected for two years, and being legal voters is the only qualification necessary.

Oregon.—Adopted a Constitution September 18th, 1857; was admitted into the Union in December, 1858.

*Electors.*—White male citizens twenty-one years of age, who have resided in the State six months next before election; also white males twenty-one years of

age, of foreign birth, who have made a declaration to become citizens of the United States; who have resided in the United States one year, and in the State six months immediately preceding election.

*Governor.*—Is elected for four years, must be a citizen of the United States, thirty years of age, and a resident of the State three years next preceding his election; no person is eligible for more than eight years in any period of twelve years.

*Senators.* — Are elected for four years; must be twenty-one years of age, citizens of the United States, residents of the State one year, and inhabitants of the county or district where elected.

*Representatives.*—Are elected for two years; same qualifications as Senators.

Kansas.—Adopted a Constitution July 29th, 1859; admitted into the Union in March, 1862.

*Electors.*—White male citizens of the United States twenty-one years of age; also persons of foreign birth, who have made a declaration to become citizens of the United States, being white males twenty-one years of age; a residence of six months in the State, and of thirty days in the township or ward, is all that is required in either case.

*Governor.*—Is elected for two years. The Constitution of Kansas does not require any qualification for the office of Governor; it, however, says: "No member of Congress or officer of the State, or of the United States, shall hold the office of Governor, except as herein provided."

*Senators.*—Are elected for two years.

*Representatives.*—Are elected for one year; the term may be changed by law. The only qualification in either case is that of a qualified elector.

West Virginia.—Adopted a Constitution February 18th, 1863; admitted into the Union April 20th, 1863.

*Electors.*—White male citizens twenty-one years of age, who have resided one year in the State, and thirty days in the county where they vote.

*Governor.*—Is elected for two years; must be thirty years of age; must have the qualifications of an elector, and have resided in the State five years preceding his election.

*Senators.*—Are elected for two years; must be twenty-five years of age; have the qualifications of electors, and have been residents of the State five years.

*Representatives.*—Are elected for one year; the qualification of an elector is all that is required.

Nevada.—Adopted a Constitution July 28th, 1864; admitted into the Union in 1864.

*Electors.*—White male citizens twenty-one years of age, who have resided six months in the State.

*Governor.*—Is elected for four years; must be a qualified voter; twenty-five years of age, and a resident of the State two years.

*Senators.*—Are elected for four years; must be qualified electors.

*Representatives.*—Are elected for two years; must be qualified electors.

Nebraska.—Adopted a Constitution February 9th, 1866; admitted into the Union March 1st, 1867.

*Electors.*—White citizens of the United States. Also white persons of foreign birth who shall have declared their intention to become citizens, conformable to the laws of the United States.

*Governor.*—Is elected for two years

*Senators* and *Representatives* are elected for two years.

The qualification of an elector is the only qualification prescribed by the Constitution for any office within the State.

The following States elect Lieutenant-Governors: Massachusetts, Vermont, Rhode Island, Connecticut, New York, Virginia, South Carolina, Kentucky, Ohio, Indiana, Louisiana, Illinois, Missouri, Michigan, Texas, Iowa, Wisconsin, California, Minnesota, and Kansas.

The following States do not elect Lieutenant-Governors: Alabama, Arkansas, Delaware, Florida, Georgia, Maine, Maryland, Mississippi, New Hampshire, New Jersey, North Carolina, Oregon, Pennsylvania, Tennessee, West Virginia, Nevada, and Nebraska.

The following table will show the Capital of each State, date of State elections, meeting of Legislatures, and salary of Governors:

| *States.* (31.) | *Capitals.* | *Legislature Meets.* | *State Election.* | *Sal. of Gov.* |
|---|---|---|---|---|
| Alabama | Montgomery | *2d Mon. in November | 1st Mon. in August | $2,500 |
| Arkansas | Little Rock | *1st Mon. in November | 1st Mon. in August | 2,500 |
| California | Sacramento | *1st Mon. in December | 1st Wed. in September | 7,000 |
| Connecticut | Hartford & New Haven | 1st Wed. in May | 1st Mon. in April | 1,100 |
| Delaware | Dover | *1st Tues. in January | 1st Tues. in November | 1,330 |
| Florida | Tallahassee | *1st Mon. in November | 1st Mon. in October | 1,503 |
| Georgia | Milledgeville | 1st Th. in November. | 1st Wed. in October | 3,000 |
| Illinois | Springfield | *2d Mon. in January | 1st Tues. in November | 1,500 |
| Indiana | Indianapolis | *1st Wed. in January | 2d Tues. in October | 3,000 |
| Iowa | Des Moines | *1st Mon. in January | 2d Tues. in October | 2,200 |
| Kansas | Topeka | 2d Th. in January | 1st Tues. in November | 2,500 |
| Kentucky | Frankfort | *1st Mon. in December | 1st Mon. in August | 2,500 |
| Louisiana | Baton Rouge | *3d Mon. in January | 1st Mon. in November | 4,000 |
| Maine | Augusta | 1st Wed. in January | 2d Mon. in September | 1,500 |
| Maryland | Annapolis | 1st Wed. in January | 1st Tues. in November | 3,600 |
| Massachusetts | Boston | 1st Wed. in January | 1st Tues. in November | 5,000 |
| Michigan | Lansing | *1st Wed. in January | 1st Tues. in November | 1,500 |
| Minnesota | St. Paul | *1st Tues. in January | 1st Tues. in November | 2,500 |
| Mississippi | Jackson | *1st Mon. in January | 1st Mon. in October | 3,000 |
| Missouri | Jefferson City | *Last Mon. in December | 1st Tues. in November | 5,000 |
| Nebraska | Omaha | ..... | 1st Tues. in October | ..... |
| Nevada | Carson City | 1st Mon. in January | 1st Tues. in November | 6,000 |
| N. Hampshire | Concord | 1st Wed. in June | 2d Tues. in March | 1,000 |
| New Jersey | Trenton | 2d Tues. in January | 1st Tues. in November | 3,000 |
| New York | Albany | 1st Tues. in January | 1st Tues. in November | 4,000 |
| North Carolina | Raleigh | *3d Mon. in November | 2d Th. in August | 4,000 |
| Ohio | Columbus | *1st Mon. in January | 2d Tues. in October | 1,800 |
| Oregon | Salem | *2d Mon. in September | 1st Mon. in June | 1,500 |
| Pennsylvania | Harrisburg | 1st Tues. in January | 2d Tues. in October | 5,000 |
| Rhode Island | Newport & Providence | May and January | 1st Wed. in April | 1,000 |
| South Carolina | Columbia | 3d Wed. in October | 4th Mon. in November | 3,500 |
| Tennessee | Nashville | *1st Mon. in October | 1st Th. in August | 3,000 |
| Texas | Austin | *1st Mon. in November | 1st Mon. in August | 4,000 |
| Vermont | Montpelier | 2d Th. in October | 1st Tues. in September | 1,000 |
| Virginia | Richmond | *2d Mon. in January | 4th Th. in May | 5,000 |
| West Virginia | Morganstown | 3d Tues. in January | 4th Th. in October | 2,000 |
| Wisconsin | Madison | 2d Wed. in January | 1st Tues. in November | 1,250 |

*Meet biennially.

Those entitled to the elective franchise in the several States, and the qualifications necessary under the State Constitutions for the various State officers, where qualifications are necessary, have already been given, without going into unnecessary details of minor affairs.

It now remains to give the qualifications necessary to hold office under the Federal Constitution in the offices of the United States Government where qualifications are required. In all cases, both State and Federal, where there is no qualification prescribed by the Constitution or laws, the presumption is, and the practice has been, that citizens, using the term in its political sense, are eligible to office.

*The President of the United States* must be a natural born citizen of the United States, and have attained thirty-five years of age, and been fourteen years a resident of the United States; he is elected for four years, and is Commander-in-Chief of the Army and Navy of the United States.

*The Vice-President of the United States* is elected at the same time and in the same manner, and for the same term as the President; he must have the same qualifications as the President.

*United States Senators.*—Two Senators from each State are elected by the Legislature for the term of six years; must have attained the age of thirty years, and have been nine years citizens of the United States; also be inhabitants of the State for which they are chosen.

*Representatives to Congress* are elected by the people for two years; must have attained twenty-five years of age, have been seven years citizens of the United States, and inhabitants of the State in which they are elected—no other qualifications can be imposed by any State.

*Judges of the United States Courts* are appointed by the President and Senate, and hold their office "during good behavior." (See Constitution of the United States, Appendix.)

The Constitution of the Federal Union is eminently Republican, and the Government of the Union under it well adapted to promote and perpetuate the freedom of the American people. But the changes which have been and are still being made in their social and political affairs, demand corresponding changes in the fundamental law of the land. The hand printing press has given way to the steam power; the mud wagon to the steam car; the dull hulk that floated lazily at the mercy of winds and tides to the steamship; the post-boy to the electric current that encircles the globe, and places us in immediate communication with the extreme ends of the earth; the flint-lock musket to the breach-loading repeating rifle; the hand-loom to the mighty power loom, whose shuttles never cease; the rush and tallow candle to the brilliant gas; the dull rumbling omnibus to the street car; the sheep-skin in the window to plate glass; the painter's pencil to the camera of the photographer; religious bigotry and intolerance to a just appreciation of the rights of conscience; the wager of battle and the star chamber to trial by jury; soothsaying, prophecy, miracles, and sorcery, to a comprehension of nature's laws; ignorance, prejudice, and superstition to education, intelligence, and scientific knowledge. In the march of this great train of progress, laws and constitutions must conform to the times; and the Federal Constitution in its improved condition keeps pace with the age.

To the American citizen and statesman, the follow-

ing changes must press their claims, that the affairs of the Government may still keep pace with the progress of the times, and in harmony with the Republican spirit of our Government.

The present mode of election of the President of the United States should be changed, making the *direct vote of the people* the rule, dispensing with the unnecessary machinery of the "Electoral College," and the *unrepublican-like* system now in practice—the person receiving the greatest number of votes to be elected; the same system to apply to the Vice-President, each being voted for seperately, and directly by the people.

The present mode of electing United States Senators by the State Legislatures should be abolished, and the Senators elected by the *direct vote of the people* of their States. There is no subject in the whole range of political affairs in the United States, so prejudicial to American liberty, as the system of Senatorial elections. Candidates for this position, through themselves and their accomplices, corrupt the political fountains to their very centre; and under the practices of caucuses and conventions, manipulate the State Legislative ticket to suit their ends, by selecting, under the pressure of pecuniary and other interests, such tools as will do the bidding of their masters. By this means it too often happens, that the one having the most money, the most efficient "strikers," corruptionists, and political "wire-workers," will be the successful man; while the competent, modest, honest, or impecunious aspirant, remains at home. The *people* are cheated out of their votes by this indirect method; the Legislature is packed with hirelings of the aspirant Senator; the State is defeated out of honest legislation, because the

members were not elected with regard to their fitness for Legislative business, but *solely* upon their *pledges* to vote for United States Senator.

When a Senator is thus elected, he is under obligations, and they must be fulfilled; captains and leaders of the "ring" that elected him must be paid, so the Federal patronage must liquidate his promises. The "slate" at the Federal Capital is wiped clean on the arrival of the new Senator, and a new list is substituted for his State; National legislation has to be neglected by the Senator, who finds himself *besieged* by his political creditors, so that, one by one, incumbents in Government offices are thrust aside, and the *friends* of the new Senator step in. But the corruption does not end here. During the six years of his administration, he has well stocked every Federal office in his State (so far as he can) with men pledged to his future support; and as another election is to take place in his State, he leaves the National Capital and opens his "office," where the same process as before is gone through with, only upon an enlarged and more scientific scale. Thus, from election of Governor to Constable, all is manipulated, controlled, and moulded, by this greatest source of political corruption in America.

The Federal Constitution should be amended also in relation to the period of the office of Judges of the United States. By the Constitution as it now is, Judges "hold their office during good behavior." A person may exhibit very excellent *behavior*, and yet be very far from being a competent and honest Judge. The present mode of appointment is the safest to insure competent and honest men; but the *time* of holding office is the objectionable feature. If the term of office was limited to, say ten years, the public could

once in a while be relieved of some superannuated or corrupt incumbent without going through the tedious, expensive and uncertain process of impeachment; besides the prospect of future appointment would be an incentive to good behavior.

## CHAPTER XXIV.

CONSTITUTION OF THE UNITED STATES.—AMENDMENTS TO.—POWERS AND DUTIES OF OFFICERS UNDER.—CITIZENSHIP.—LAWS OF SOUTH CAROLINA.—ATTEMPT TO SELL BRITISH SUBJECTS.

The Constitution of the United States is to the American Nation what *Magna Charta* is to the British Empire. It is the sheet anchor of American freedom and nationality. Upon it rest the foundations of the Republic. The laws, treaties, and institutions of the Nation are all dependent upon it. Each department of the various branches of the Government held submissive to it. It balances the power, regulates the extent and sphere of action of the Legislative, Executive, and Judicial branches of the Government. It keeps in motion and regulates the action of the several States that gravitate around the common centre, where abide the life and perpetuity of the Republic. It possesses within itself the elements of its own preservation. It is susceptible of amendment, addition, and even of repeal or abrogation of its own parts. But this must be accomplished by the methods prescribed within itself; and when attempted to be done otherwise, is void. (The Constitution, with all its amendments, will be found in the Appendix of this volume.)

The Federal Constitution was adopted September 17th, 1787, by the Convention assembled pursuant to resolution of the Continental Congress, and was ratified by the requisite number of States January 21st, 1788, and by all the States May 29th, 1790. The first

Congress under it met on the first Monday in March, (4th,) 1789. At this session the first ten amendments to the Constitution were proposed, and duly ratified by the States in due course of time. The eleventh amendment was proposed in 1794, the twelfth in 1803, and both, duly ratified by the States, became a part of the Constitution. From this period down to the breaking out of the Rebellion, in 1861, no amendment had been added. Since that period the thirteenth and fourteenth amendments have been adopted.

The Constitution was adopted by the *people* of the United States, and no act of any *State* can divest the people of the Union formed by them, or of the guarantees and protection of it. Its adoption by the people bound the State Governments, and held them responsible and amenable to the laws and treaties made in conformity with its provisions.

"The Constitution was ordained and established, not by the States in their sovereign capacity, but emphatically, as the preamble declares, by the *people* of the United States. Martin *v.* Hunter's Lessee, 1 Wheaton's Reports, 324." "It required not the affirmance, and could not be negatived by the State Governments. When adopted it was of completed obligation, and bound the State Sovereignties. McCullough *v.* Maryland, 4 Wheaton's Reports, 404."

The Government of the United States is a body corporate, and cannot be dissolved by the act of any less number of its people than that that formed it. It is capable of attaining the objects for which it was created, and has the power to use all necessary means to maintain the supremacy of the laws, and the perpetuity of the Nation by legislative or other measures.

Section ten, of Article first, says: "No State shall enter into any treaty, alliance, or confederation." Yet

Southern statesmen have said that they could *constitutionally*, as "Sovereign States," peaceably leave the Union and "confederate" as they saw fit. It is difficult to conceive how language could be framed more effectually to prohibit specific acts, than is this language of the Constitution.

A subject of great National interest during the Administration of President Johnson was as to the powers guaranteed to the Executive by the Constitution; and the latitude assumed by him (Johnson) at one time seriously threatened the safety of the country, and induced Congress to more fully define, and to some extent, prescribe Executive authority.

Article second, of the Constitution, relating to the office of President, his duties and powers, would seem to be sufficiently specific, and was all-sufficient to guide the actions of the Executive department through the earlier periods of the Government. But the exigencies of the times, since the breaking out of the Rebellion in 1861, and the new issues and demands upon the various branches of the Government, have developed new phases, upon which the Executive assumed authority totally at variance with all precedent, and subversive of the laws and Constitution of the Republic.

Indeed, so complicated and varied are his functions, so closely allied with and almost inseparable from the other branches of the Government, that it is difficult to conceive how legislation can confine the Executive within any very limited sphere of action upon subjects not specifically defined by the Constitution. The present incumbent, (1868) Andrew Johnson, has assumed so many new positions—Legislative, Executive, and Judicial—has gone so far beyond his powers, as defined by the Constitution, that serious

alarm for the safety of the country, from his unlimited assumption of powers, was not without foundation. His assumption of the Legislative duties of the Republic in the matter of reconstructing the rebel States, was an arrogance unparalleled in the history of Republican Government. His positive refusal to execute laws of Congress, stating as his reason his opinion that they were unconstitutional, was a judicial assumption, dangerous to the Nation, and destructive of the liberties of the people. His wholesale pardoning of the leaders of the Rebellion, thus fitting them to accomplish by legislation what they failed to accomplish by arms, was equally reprehensible and dangerous. The unlimited use of the veto power against every important legislative act of Congress, his assumption of the exclusive power of appointment and removal, during the session of the Senate, are features new and novel in the American Government.

Article II, Section 2, of the Constitution, says, (speaking of the Executive):

"And he shall nominate, and by and with the advice and consent of the Senate, shall appoint Embassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointment is not herein otherwise provided for, and which shall be established by law. * * The President shall have power to fill up all vacancies that may *happen* during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

Citizenship in the Republic is a subject of vital interest, but one which has been grossly abused by State Constitutions and State laws, which have, in many instances, ignored all the rights of the American citizen by proscribing his suffrage to the laws and limits of

the State where he might reside, and in many cases, not only depriving him of participating in State elections, but depriving him of voting for United States officers, unless he was of a certain class, thus subverting the high position of the American citizen to the narrow limits of State citizenship.

In the Slave States, and those also under Democratic rule at the North, the elective franchise has been reserved in the hands of an aristocratic class, in direct opposition to the spirit and philosophy of Republican Government. But the days of such usurpations are drawing to a close, and like the other heresies of State Rights, Sovereign States, and Squatter Sovereignty, practiced by the Democracy, must give place to the doctrine of Manhood Suffrage, as advocated by the Republican party.

Article IV, Section 2, of the Federal Constitution, says: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

The phraseology of the above clause would seem to convey the idea that citizens from one State going into another and making their domicile and residence there, would be entitled to all the rights of citizens of the State which they had entered. But if such be the *intent* of this clause, the *practice* has been in direct opposition to it in many of the States. The highest Courts of the Republic have held that the "privileges and immunities" mentioned in this clause, extend only to those general privileges enjoyed by the citizens of one nation while traveling or domiciled in another—protection in their business, the privilege of the writ of *habeas corpus*, and of appearance in Courts of Justice —thus placing the American citizen of any of the

States or Territories, so far as the local privileges and the rights of a citizen are concerned, should he move into another State, on about the same basis as that of an alien; indeed, in many of the States where, under the local and liberal State laws the adopted citizen has enjoyed all the privileges of the native born, he is surprised to find himself completely disfranchised and a foreigner still, when he moves into States which by their laws proscribe the adopted citizen from the rights of citizenship. So, too, with the native born, who, moving across the line of his State into another State of the Union, finds that ten, twelve, or twenty years residence *in the State* is necessary to enable him to hold offices of profit or trust, and that the profession of some particular religious faith, or belief in hell, or some other institution, must be sworn to before he can enjoy the rights of a citizen.

Notwithstanding the construction of Courts upon the clause above alluded to, the depriving a citizen of his political rights by State laws, on account of his having been a resident of another State of the Union, or on account of his religious opinions, or the place of his birth, is Anti-Republican; and it is competent, under the Federal Constitution, for the National Congress to legislate such contracted and illiberal doctrines out of existence; and to assert and maintain that the rights, privileges and immunities of the citizen shall comprehend *all the political privileges* of the citizen in any State, without regard to former place of birth, residence, or religion, thus equalizing citizenship in the whole Republic. Taking the most liberal State as the standard of what Congress will acknowledge to be Republican in form, (Massachusetts would be a good model,) and conforming all

others to that, a death-blow would be struck at the petty despotisms now existing under the name of State Governments, and the citizen of the State would be a citizen of the Republic, and would be entitled to all the rights, privileges and immunities, equally, in all of the States.

The hardships formerly endured from the species of State authority over the citizen was most intolerable. The citizens of the Free States, on going into the Slave States, were completely disfranchised. In some cases, *twenty* years residence was necessary to enable them to discharge the office of a citizen; in others, large property in land or negroes was necessary, in other cases religious tests. And these *Democratic privileges* only began to disappear as the Federal Congress began to *reconstruct* the Sovereign States of the South. Such evils, however, still exist in some of those States under Democratic rule. (See Constitutions.)

This subject will be illustrated by the Act of the Legislature of South Carolina, passed on the 20th day of December, 1820, which applied to "colored citizens." The Act is entitled "An Act for the better regulation of Free Negroes and Persons of Color, and for other purposes." Section third is in these words:

"That if any vessel shall come into any port or harbor of this State from any other State, or foreign port, having on board any free negroes, or persons of color, as cooks, stewards, or mariners, or in *any other employment* on board of said vessel, such free negroes or persons of color, shall be liable to be seized and confined in jail, until such vessel shall clear out, and depart from this State. And that when said vessel is ready to sail, the captain of said vessel shall be bound te carry away the said free negro or free person of color, and to pay the expense of his detention; and in case of his neglect or refusal so to do, he shall be liable to be indicted, and on conviction thereof, shall be fined in a sum not less than one thousand dollars, and be imprisoned not less

than two months. And such free negroes or persons of color shall be deemed and treated as *absolute slaves*, and sold in conformity to the provisions of the Act, passed on the 20th of December, 1820, aforesaid."

The reader will observe some of the features of this law. "If any vessel"—this does not even except the naval ships of the United States, or of any Foreign Nation—"shall come into any port or harbor of this State, * * bringing in free colored persons," such persons are to become "absolute slaves." And all this to be done without the form of a trial, or allowing the unfortunate "person of color" to be heard in his own behalf. By the Act, too, "they are to be sold," and by the next clause, the Sheriff is vested with absolute power to carry this law into effect; and he is to receive one-half of the proceeds of the sale.

The "Sovereign State" of South Carolina had freely indulged in capturing and selling the citizens of the United States and other countries; but was brought to grief in 1823, by attempting to put through the process of capture, imprisonment and sale, a British subject, Henry Elkinson, of Liverpool, England. He was taken from on board the British ship *Homer*, lying in Charleston harbor, and put in prison and held by the Sheriff of the city. He was a native subject of Great Britain, and was in addition a "colored person." But as Great Britain never classified her subjects by color, and her colonies had long since abandoned the microscope, in determining the *status* of her subjects, color did not enter into the consideration of this affair so far as England was concerned; and to the honor of the British Empire, with that characteristic energy which she has always exhibited, and that determination that has ever been the rule of her action in pro-

tecting the rights of the humblest of her subjects, she demanded, through her Consul, the delivery of Mr. Elkinson, who was surrendered after the interference of the United States Government. The subject came nigh leading to a war between England and America.

Some remarkable cases are to be found under this statute, where whole ships' crews were placed in prison even in the absence of the Captain, and the ships left to the mercy of circumstances, without a man on board.

The case of the British subject alluded to is reported in the second volume of "Wheeler's Criminal Cases," edition of 1851, page 56, as it came before Justice Johnson, of the United States Circuit Court, on *habeas corpus*, August, 1823. Henry Elkinson *v.* Francis G. Deli.

Citizenship in the Republic, under the wholesome legislation of the Republican party, has, within a few years, been so defined and regulated that the imprisonment and sale of men on account of color no longer exists. The measures adopted by the Congress of the Nation, in reference to the admission of States into the Union, and defining their Republican status, together with the thirteenth and fourteenth amendments to the Constitution,have at last placed the rights of the citizen and the powers of the Federal Union in their true position.

The admission of States into the Union is purely a constitutional power vested in the Federal Congress. In the palmy days of the Pro-Slavery and Squatter Sovereignty doctrines of the Democracy, the admission of a State was a great event, sometimes occupying the whole Democratic party for years in active service, as will be seen by reference to the debates upon the admission of Missouri, Texas, and California.

Section 3, of Article IV, of the Constitution, says: "New States may be admitted by the Congress into this Union." And again: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States." Section 4 says: "The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against invasion."

In noticing the first of these sections of the Constitution, it is evident that the sole power of admitting States is exclusively in the National Congress, and any attempt to admit States by any other process, so long as that clause of the Constitution is in force which says, "New States *may* be admitted by the Congress into this Union," is a direct violation of its provisions.

"The United States shall guarantee to every State in this Union a Republican form of Government." This Section does not define, nor indeed does any part of the Constitution even mention, what is necessary to constitute a Republican form of Government. If the existing Governments of the several States at the adoption of the Federal Constitution, be regarded as a rule, the great inequality and almost Anti-Republican condition of some of them at that period, would but ill suit the progressive notions of what should be Republican at this time, and what standard of Republicanism should be guaranteed and enforced, should any of the original States, in the lapse of time, become divested of their Republican qualities, or remain stationary while other States in the march of Freedom left them behind, as stumbling blocks, obstructing and retarding Republican progress. (See Reconstruction.)

Article 1, of the first amendment to the Constitu-

tion, establishing religious freedom and religious equality, exhibits the wisdom of its authors. It is the safety-valve of Republican Freedom. Any encroachment upon it would endanger the very existence of the Nation. In obedience to the law of God, it leaves all men free to worship as to them may seem best; and wherever this sacred right of man is invaded, liberty cannot exist. The enlightened and truly religious always accord to others what they themselves demand; but the ignorant, superstitious, and selfish prescribe limits for their fellow beings, but demand the right of conscience for themselves. No nation or people can be free where the laws establish and maintain forms of worship. Religion is divine in its origin, and operates through the conscience and sympathies of our nature, and is not dependent upon force for its quantity or quality.

The Thirteenth Amendment to the Federal Constitution is a master-piece in the history of American legislation. By this the last relic of barbarism was annihilated, and an end forever put to the traffic in men, and its attendant evils, that had so long and so sorely afflicted the country. By it four millions of human beings were guaranteed continued liberty to themselves and their posterity forever, and the American Nation became a Republic in *fact* as well as in name.

This amendment was proposed in the United States Senate on the 1st day of February, 1864. It came to a vote on April 8th, 1864—38 for it, all Republicans, 6 against it, all Democrats; so it was carried in the Senate. It went before the House for action on the 31st day of January, 1865. The vote was, for the amendment, 103 Republicans, also 16 Democrats, making in all 119; against it, 56 all Democrats; not vot-

ing 8, all Democrats; so it passed the House, and was in due time ratified by 27 States, the necesssry legal majority, and took effect as a part of the Constitution on the 18th day of December, 1865. The amendment is as follows:

"SECTION 1. Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

The Fourteenth Amendment to the Constitution was proposed in the House on the 30th day of April, 1867. It went before the Senate for action on the 8th day of June, 1867. The vote for it was 33 Republicans; against it 11—all Democrats. It went before the House for action, January 13th, 1867. The vote was as follows: for it 138—all Republicans; against it 36—all Democrats. So it was carried in the Congress. Andrew Johnson did not veto either of these amendments, solely because the veto does not extend to Constitutional amendments. But on the 22d of June, 1867, he sent a communication to Congress expressing his displeasure with the proposed Fourteenth Amendment.

This amendment went to the States for action, as is provided by the Federal Constitution, and in July, 1868, the Secretary of State made official announcement of the necessary number of States having ratified it, and that it was a part of the Constitution of the United States, and of the laws of the land.

The amendment is another step up the ladder of National greatness; it defines who are citizens of the United States. It declares that, "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States

and of the State wherein they reside." By the 2d Section, any State may deny the right to vote to any class of its inhabitants. But if they do so, then their representation shall be reduced in the National Congress, in the proportion that such persons so disfranchised shall bear to the whole male population in such State 21 years of age and upwards.

Doubtless the American people will soon see the evils of thus tampering with the sacred rights of the citizen, in leaving to the States the power to disfranchise American citizens, and will by further amendment to the Federal Constitution place citizenship where it belongs, under the exclusive control of the National Congress and the Federal Constitution, and no longer leave the highest privileges and liberties of the American citizen to be frittered away by dominant factions in the communities called States. Had the Fourteenth Amendment gone to the extent of guaranteeing to every citizen in the Republic the right to vote at all elections, it would have dispelled the hope now entertained by the subjects of the late Confederacy, of some day disfranchising large classes of the citizens of the Southern States, and have saved the Republic the political, and it may be the physical, struggle that must eventually take from the people of the States a power which they never should have held—which belongs, and must at no distant day be controlled by the National Government—that of guaranteeing to every citizen of the Republic the exercise of the franchise in every election, State and Federal, within the Union.

## CHAPTER XXV.

TOTAL AREA AND POPULATION OF THE UNITED STATES.—FOREIGNERS IN AMERICA.—THEIR NUMBERS, INFLUENCE, POLITICS, PECULIARITIES, CONDITIONS.—ARCHBISHOP HUGHES AS A CITIZEN.—HIS LETTER.

No nation on the globe possesses so cosmopolitan a population as does the Republic of America. The enumeration of the population made by Federal authority every ten years, presents many interesting facts connected with the composition of our population.

The total area of the States and Territories in 1860 was 3,002,013 square miles. By the acquisition of Russian America (Alaska) in 1867, and the purchase, also, of the Danish West India Islands of St. Thomas and St. Johns, in 1868, ($7,200,000 gold coin having been paid for Alaska, and about the same sum agreed to be paid for St. Thomas and St. Johns,) a material increase has been added to the territorial boundaries of the Republic, which now extend from New England, on the Atlantic side, to Behring Straits and the Arctic Ocean. The area of Alaska is estimated at 578,000 square miles, and its population about 62,000, sixty thousand of whom are Indians and half breeds, and two thousand Russians and Americans, settled at Sitka and other sea-ports. The area of St. Thomas is 27 square miles; its population about 14,000. It is prolific in earthquakes and yellow fever. The area of St. Johns is 22 square miles, and its population 2,500. The products of this island are similar to that of St. Thomas. Thus the total area of the 27 American

States, and all the Territories, is 3,580,062 square miles, and the population about 36,000,000 at the end of the year 1868.

Of the total area of the United States and Territories in 1860, the States had 162,649,848, and the Territories 460,872, acres of improved land, making 163,110,720 acres of cultivated land in farms; and the States had 241,943,671, and the Territories 2,158,147 acres of land in farms unimproved, making 244,101,818 acres of unimproved land in farms. In the States there were 17 inhabitants to each square mile, and in the Territories there were more than four square miles to each inhabitant. The total population of native born in all the States and Territories of the Union in 1860, was 27,306,187 of all classes, black and white, free and slave; and the total foreign population at the same time, of all classes, was 4,136,175. (See Appendix.)

A most interesting feature of the American Nation is the influence of the foreign element upon the social, industrial, and political affairs of the country. For centuries the Kingdoms of Europe have had but limited contributions to their numbers from foreign nations. Their growth depends mainly upon the increase of the parent stock. Russia, Austria, Great Britain, France, and Spain are, as nations, as exclusively managed in their political affairs by the native born, as if each were the only nation on the globe. They receive contributions in population from those countries immediately adjacent; but as the great mass of the people do not have a voice in political affairs, the immigrant seldom becomes naturalized, and rarely takes any part in the affairs of his adopted country. This rule, too, applies to the smaller nationalities of Europe, many of which have a less area than some counties in the States

of America. And even in these, where a few hours' journey will take the traveler into a foreign nation, they remain to this day almost uninterrupted by any strange face seeking a home among them. Year after year, and century after century, the hereditary Prince steps upon the throne of his ancestors, and the great mass of the people, almost unconscious of the existence of a Government, pass along, paying submissive homage to those whom they believe are ordained as their superiors, and born to rule them, paying taxes and performing military service with the submission of slaves.

Great Britain, of all the nations of Europe, is the most cosmopolitan; and while in many districts in all parts of the Empire, the habits and customs of the people are local and distinct, yet in the large cities a mixture of every race may be found. Still in political affairs few foreigners gain admission to the rights of citizens, or participate in political affairs.

In most parts of Europe the native population is stationary. It changes but little from one section of the country to another. The same communities and families have lived for generations in the same locality, and continue to follow the same occupations as their ancestors. And thus the masses live a quiet, unostentatious, and even unambitious life, happy in the repose in which they find themselves. Religious and political prescriptions are looked upon as matters of little concern. The military service to which they are summoned at the tap of the drum, arouses little opposition. They are, as they believe, in the discharge of a *duty*. All they have they account as coming to them from their King, who cannot err.

How dissimilar is the American Republic to the Na-

tions of Europe. America may be said to have no local population or customs; her population roam over her broad States of the whole Union, and into her remote and expansive Territories; always changing, building up new cities and new States, only again themselves and their children to seek still other homes. The people of each State are continuously passing to and fro from one State to another, intermarrying, and interchanging ideas and customs, until it may well be said, that in costume and physical appearance, education, manners, and accent, there is no provincialism in America. The great cosmopolitan mass of human beings that form the aggregate of American population, seem to all appearance to be upon a social equality, and but one large family. The constant contact in which they are brought by the affairs of business, and the discharge of their political rights, jostling each other not only at the polls, but in the highest offices in the land, to which all citizens are eligible, has completely shaken off the hide-bound ideas of a "Divine right" for man to govern his fellow men.

The foreigner, when he arrives in America, at once discovers the broad field open to him for participation in the pursuits and positions to which he was a stranger in the land of his birth; caste and conditions depending upon family, wealth, or position, are all swept away, save in a few instances of State proscriptions, and into the busy scene of activity he must plunge, and battle his way to wealth and eminence if he can. If he be a white man, twenty-one years of age, on his becoming a citizen he will, according to law, be entitled to discharge every duty, and hold any office in the Republic, save that of President and Vice-President of the Nation. This is the law under the Federal

Constitution—State laws, however, render this rule void in many instances. (See State Constitutions.)

There is no more sublime spectacle of the beauties of the Republican Government, than the facility with which men from every land enter upon the business and political affairs of life in America. Customs, habits, and diversified languages, are, as if by magic, obliterated; and a few years residence in their new homes, in most cases, completely reconstructs the newcomer into a full-fledged American. The peculiar physiological type and conditions may be retained, a little foreign accent may still remain; but one generation will obliterate these, and the child of the foreigner born in America is, in all things, as much an American as if his ancestors had lived on the soil since the days of the Revolution.

The two leading foreign elements in America, are German and Irish; the first predominates largely in numbers. In 1860, the census showed 1,899,518 Germans; besides these, there were 227,661 Prussians; 150,165 Bavarians; 112,835 subjects of Baden; 95,460 of Hesse; 81,336 of Wurtemburg; 53,327 of Switzerland; 43,995 of Norway; 28,281 of Holland; 25,061 of Austria; 18,625 of Sweden; 10,000 of Nassau; 9,962 of Denmark; 9,072 of Belgium; 7,298 of Poland; making a total of 2,772,593—all of whom are, by Americans, generally called Germans. There were at the same time within the Union, 1,611,304 Irish; so that basing the German population upon those popularly called Germans in America, there were 1,161,289 more Germans than Irish in the Union, or almost double as many Germans as there were Irish; or, basing the calculation upon those from Germany proper, there would still be 288,214 more Germans than Irish; but the

computation showing the larger figures is correct, as to what Americans understand to be the German population. The part that these two leading elements of foreign birth act in American affairs, is important and powerful.

*Germans.*—Most of these people soon become naturalized citizens, and enter upon the pursuits of business and pleasure with great alacrity. In business, they soon lead far ahead of many of the native born. They carry into their affairs the frugality and industry practiced by them at home, and as they acquire the language and habits of the American people, and survey the vast field for enterprise before them, they soon become leaders in the mercantile affairs of the country—if in cities, and towns, or in the farming regions, they are models of industry and prosperity; in either case, always easy, unassuming, courteous, and seemingly happy. They love to read the favorite authors of their native land; and wherever a few Germans are assembled, the air is redolent with festivity, and the songs sang by their fathers upon the Rhine are echoed by their children throughout the broad free Republic of America. Their habits are marked by sobriety, industry, and virtue. Physically, they are perhaps the hardiest citizens of America. Their love of liberty has been demonstrated by their patriotism and valor, as they rallied to uphold the Federal Constitution and laws of their adopted country, during the late Rebellion.

The German mind is analytical; when they read, they comprehend; as a people, they are lovers of learning, and searchers after truth; they are eminently fitted by nature to be the citizens of a Republic; they are active coöperators in the affairs of the nation, in

their new homes. They are capable of appreciating freedom, are a power in America, and the keeping of the liberty entrusted to them is in safe hands.

*Irish.*—Next in numbers and importance to the Germans in America, are the Irish. They, like the Germans, soon become citizens, and enter into active operations in business and politics; few of them, comparatively, make their way into the country; they generally prefer to locate in the large cities, although there is scarcely a settlement in America in which Irishmen may not be found. Their presence and influence are felt throughout the land.

The mass of the Irish in America are hard-working and industrious. They bring with them from their native land, and long retain here, many of the characteristics of their race—activity of body and mind. Their genial warm-heartedness and impulsive natures, often lead them into difficulties, and cause those who little understand them, to attribute to design that which is the result of impulse.

In mercantile pursuits, and in the learned professions, the Irish in America are unequaled. They accumulate wealth with surprising rapidity, and become leading land owners in the cities, and extensive business operators; as writers and speakers they are forcible and eloquent, possessed of talents that cannot be easily counterfeited. The combative organs of the race have been rubbed up by British oppression to such an extent, that the whole people have become pugnacious, carrying the elements of opposition into all their affairs. They love rivalry and contact with opposing forces. An Irishman anywhere is more likely to wear out than rust out.

As a people, they enter with more zeal into political

affairs than do the native born Americans. They attach themselves to a party, and to that they will stick; although, to their credit be it said, they will not stick to a political party after they know that it is wrong. Republicans, however, think that it takes them some time to see the error of their way, in attaching themselves to the Democratic party.

It has been a source of much speculation with the party of progress in America, how it comes that the great mass of the Irish should be attached to the Democratic party, as that party stands in the exact position of the party in England who have always trampled upon the rights of Ireland, and who in America cooperated with the rebellious States of the South to destroy the American Republic and the liberties that Irishmen as well as others love so well. This is the more astonishing, too, when we consider that in the free North, the great mass of the Irish have found homes, friends, peace and plenty, and that religious and political freedom denied them in their native land and by the Democracy of America. In the free North, as soon as they are citizens, they can partake of all the rights of the native born American; in most of the Southern States, as they were before and at the breaking out of the Rebellion, they were ineligible to office, on account of the high property qualifications, and the "native born" clause in their Constitutions.

That the sympathy of the Irish went towards the South, is strange indeed; no material aid had ever gone from that section to the afflicted of their native land. Charleston and New Orleans did not send ships with provisions, to relieve the famishing of Ireland; but New York, Boston and Philadelphia did. Nor did the Slave States ever have any Government than the

kind that Irishmen had been battling against in Britain —a Government of caste, of property, of religious proscriptions and intolerance—where the poor man, and particularly the poor foreigner, could never aspire to office or influence; nor had any great number of their countrymen found homes in the Slave States, nor a place in the sympathies of the Democracy, for of the 1,611,304 Irish in America at the breaking out of the Rebellion, but 181,845 were in the fifteen Slave States and the District of Columbia, while there were in the State of New York 498,072; and in the little State of Massachusetts 185,434, or 3,589 *more* than upon every foot of slave territory within the limits of the Republic. Irish immigration, enterprise and industry, found no encouragement there; and of all places in the world, from which the down-trodden of their land could expect assistance or sympathy, the Slave States of America were the least likely to afford it. There, labor was despised; the leaders of their aristocratic Government went into the National Capitol sneering at what they termed the laboring masses—"mud-sills" and "greasy mechanics"—and throughout the entire Slave States the poor man, who had to make his living by any of the trades, or by labor, was as completely disfranchised as he is to-day by the aristocracy of England.

Notwithstanding that 1,429,459 Irish had their homes upon the free soil of America, where they had become prosperous and happy, their children educated at free schools, and their desolate homes in Ireland rendered happy by prosperity in their new abode, when the States of the South, without cause or provocation, undertook to break down the Government in America, and to establish, as they said, a Government whose

corner-stone should be laid upon men held to service and labor, and when a large number of the Democracy of the Free States aided and abetted the South, and opposed the Federal Administration by all means within their power, the Irish, fresh from the hated tyranny of the British throne, as a people, retained their position in the ranks of the Democratic party, shouted lustily for their cause—coöperated, voted with, and continue in large numbers to vote with that party. It is not my purpose to assign *causes* for this course of political action. All men in this free land have the right to exercise these privileges as to them may seem best. And no doubt these men can see good reasons for their actions that others cannot see nor comprehend.

But *all* the Irish in America did not oppose the Union party in putting down the Rebellion. Many thousands of them entered the ranks of the Union army, and added new lustre to their fame for bravery and endurance upon the field of battle. Such have built for themselves a monument upon American soil. They have hung upon the pillars that adorn the temple of American Freedom, laurels that will be looked up to by their countrymen with pride for all time. They have shown themselves worthy to be called kinsmen of Edmund Burke, Charles James Fox, Robert Emmett, Thomas Francis Meagher, Michael Corcoran, and last, but not least, of the devout Christian, scholar, humanitarian, and good man, *John Hughes*, Archbishop of New York, who, neither ashamed nor afraid to step from his exalted position as a teacher of Christianity, did stand firm by the principles of Freedom, and proclaim his determination to support the laws and protect the flag of his adopted country.

The following letter, addressed to the President of a Republican mass meeting, will show the views of the Rev. Bishop Hughes upon the subject of his devotion to his adopted country:

"NEW YORK, April 20th, 1861.

"*Dear Sir:* Unable to attend the meeting at Union Square in consequence of indisposition, I beg leave to state my sentiments on the subject of your coming together, in the following words:

"Ministers of religion and ministers of peace, according to the instructions of their Divine Master, have not ceased to hope and pray that peace and Union might be preserved in this great and free country. At present, however, that question has been taken out of the hands of the peace-makers, and it is referred to the arbitrament of a sanguinary contest. I am not authorized to speak in the name of any of my fellow citizens. I think, so far as I can judge, there is the right principle among all those whom I know. It is now fifty years since, a foreigner by birth, I took the oath of allegiance to this country, under its title of the United States of America. (Loud cheers.) As regards conscience, patriotism, or judgment, I have no misgiving. Still desirous of peace, when the Providence of God shall have brought it, I may say that since the period of my naturalization I have known but one country. In reference to my duties as a citizen, no change has come over my mind since then. The Government of the United States was then, as it is now, symbolized by a National flag, popularly called the 'Stars and Stripes.' (Loud applause.) This has been my flag, and shall be to the end. (Cheers.) I trust it is still destined to display in the gales that sweep every ocean, and amid the gentle breezes of many a distant shore, as I have seen it in foreign lands, its own peculiar waving lines of beauty. May it live and continue to display these same waving lines of beauty, whether at home or abroad, for a thousand years, and afterwards as long as Heaven permits, without limit of duration.

"JOHN HUGHES,
"Archbishop of New York."

*English.*—Next in numbers, after the Germans and Irish, come the English. At the breaking out of the Rebellion 431,692 English had their homes in the

United States; and they, like the great mass of the Irish, were opposed to the Republican party, and did all they could to aid the South, the only difference being that but few of them become naturalized, and therefore can not turn elections in favor of either political party.

An Englishman in America is as much an Englishman as if he were in London. The *power* of his native land, and the glory of being a British *subject*, are constant themes of conversation with him. To him the British Empire is the world; and unlike the Irishman and German, he looks upon Republican Government as a farce, declares that the masses of the people are not fit to govern themselves, and that sooner or later a King must rule America. He lives in America because he can do better; embarks in trade or a profession with strict conformity to the requirements of whatever he follows; is just, and no man is more honorable in business or word than an Englishman. Their success in whatever they undertake is equal to any people in the Nation. Like all other people, there are exceptions among them politically. Many of them have, during the late Rebellion, been strong Republicans, and have entered the army and navy of the United States, where they exhibited skill and gallantry and love of freedom. But as a people, one generation must pass away after they arrive in the United States before they can be called American, even in name.

*British Americans.*—The colonies of British America supply the United States with the next largest number of foreign population. There were 249,970 from these provinces in the Republic at the beginning of the Rebellion, in 1861. These people, owing to their proximity to the United States, and the extensive com-

mercial relations and constant communication between them, are soon prepared to participate in the affairs of their adopted country. The mass of them are the descendants of English, Irish, and Scotch, who have settled in these provinces. They are no more English than if they had never heard of the British Empire. They soon become naturalized citizens, and enter into the politics and the general interest of the country. They are soon absorbed in the American element, and after a few years' residence, cannot be distinguished from the native born. They are generally active, energetic, and industrious, and in business pursuits are not behind any class of people in the Republic.

*French.*—Next in numbers to the British Americans come the French. In 1860 they numbered 109,870. What has been said politically of the English in America, can be said of the French. They carry with them their vivacity and sparkling champagne; they long retain their native language, and in many instances utterly refuse to adulterate it with the smallest particle of English. They rarely become naturalized, and take but little interest in politics; seldom engage in agriculture, but confine themselves chiefly to the cities and towns, where they engage in mercantile or other pursuits, always keeping within the line of goods manufactured in their own country, if possible, if in trade. They have their own hotels and places of amusement and resort; have their "French dinners," at which they smoke choice cigars and drink champagne alternately, amid a continuous clatter of tongues and physical gesticulations peculiar to the French language. They rarely intermarry with Americans or other foreigners, and profess to know but little of the political affairs of their adopted country. Frenchmen

may glory in the name of *Republicanism*—the names of Washington and other American patriots may have charms for them—but as the memory of the King of Conquerors looms up before them, all else gives way to the inspiring thought, which breaks forth at regular intervals, *vive Napoleon!* They are active and shrewd in business, quiet and inoffensive, and make good American *inhabitants*, for the great mass of them never become Americanized. Indeed, it requires two or three generations before a sufficient amount of the physical and mental type disappears to entitle them to the name of Americans.

*Scotch.*—Next in numbers after the French, come the Scotch. At the beginning of the Rebellion in 1861, 108,518 of them had their homes in the United States. They differ materially from the English, although born under the same flag and upon the same soil; their interests are but feebly enlisted in the glory of the British Empire. The compromise through which their country became a portion of Her Britannic Majesty's dominions, is to this day looked upon as a cheat, by which they were robbed of the lustre of their ancient prowess, and is considered a stain upon the heraldry of their chiefs, of whose chivalry they are so justly proud; particularly so is this the case with the Highland Scotch, who can no more be made British subjects than a North American Indian can be made a slave.

On their arrival in America, they generally enter quietly into business; few of them engage in manual labor, some in trades; or learned or scientific professions engage their attention. They disperse broadcast, and in a short time become citizens, and affiliate in all things with the native born. In commerce and finance,

they are unequaled; sober, industrious, and peaceable; and throughout the manufacturing districts of the Republic they take the lead. It is astonishing to know how many important manufacturing establishments are either owned or managed by Scotchmen and their descendants in the United States. In literary pursuits, as editors and writers, more than five to one of them are engaged, to either the native born or any other foreigners. In politics, the majority of them have been identified with the Republican party. They are eminently progressive; are slow to act until they have fully investigated. Scotchmen in America do not seem to have lost any of the analytical powers of their ancestors, nor do they soon forget Auld Scotland; its warriors, statesmen, orators, bards, poets, and scholars, afford them just pride. At the breaking out of the Rebellion, the majority of them, in the large cities, were with the Union party. They raised regiments exclusively Scotch, and at the sound of the Slogan they marched to the rescue of Republican freedom.

*Chinese.*—Of the 35,565 Chinese in America in 1860, nearly the whole number were in California. Their advent into the country dates from the discovery of gold on the Pacific coast. Politics they have none. It is doubtful if one of them has ever been naturalized in the Republic. There is no amalgamation between them and any other people; few of them become Christians; and in all the towns where they congregate, they erect and worship their *Joss*, and believe in *Buddha* as the Divinity. Their business men are shrewd, and succeed in making money; the laboring class are good domestic servants. The number of Chinese has greatly increased on the Pacific side of the Republic since 1860. They can no more become Americanized than a leopard can change his spots.

*Mexicans.*—Few of the Mexicans in the United States become naturalized; generally, they live exclusively among themselves. Their tendencies are towards Republicanism; and most of them who can vote, are with the Republican party. They numbered 27,446 in 1860.

*Italians.*—The Italians in the United States soon learn to appreciate the institutions of the country. They become naturalized, and generally act with the party of freedom. The educated of them have shown themselves zealous students of American politics. In 1860 they numbered 10,518 in the Republic.

For the other component parts of the foreign residents in America, at the breaking out of the Rebellion, the reader is referred to the tables in the Appendix of this volume, where a full list of the foreigners in the Republic, from every part of the world, is fully set forth.

# CHAPTER XXVI.

NATURALIZATION LAWS OF THE UNITED STATES.—DECISIONS OF UNITED STATES AND STATE COURTS UPON.—PRE-EMPTION LAWS OF THE UNITED STATES.—RIGHTS OF ALIENS TO SETTLE UPON AND HOLD LANDS.—UNITED STATES AND STATE COURT DECISIONS ON.

THE steady and increasing immigration of foreigners from all parts of the world into the United States, and the facility with which they acquire American customs and fraternize with the native population in the general affairs of the country, is strong evidence in favor of the influence of Republican Government to harmonize the families of men into one great political Union.

It has been the policy of the American Government from its origin to the present day, to encourage and aid the inhabitants of all nations to seek homes and protection within the Republic. To this end provision has been made in the Federal Constitution and the Federal laws extending to the adopted citizen every political and civil privilege enjoyed by the native born, with the exception of eligibility to the offices of President and Vice-President.

The achievement of the independence of America was the result of a coöperation of all of the people of the Colonies, regardless of birthplace, and their subsequent formation into a body politic upon the broad principles of equality, at once broke down the ancient barriers that had defined the unnatural limits between King and subject, and opened up a new field for the enjoyment of those fundamental rights of man, the exercise of which is attainable only in a Republican Gov-

ernment, and to the end that in all future time all citizens might participate in the affairs of the Nation, the most liberal laws have been enacted to aid the adopted citizen in enjoying the greatest freedom.

Nowhere in the Constitution or laws of the American Nation is the slightest proscription interposed between the naturalized and the native born citizen, save in the single exception in the Constitution, which provides that none but natural born citizens shall be President or Vice-President of the United States. To this wise provision no objection can be offered by the adopted citizen, who if he loves the institutions of free government must see greater safety to the Nation in this than would result from placing the Executive power of the Republic in hands that might, in time of foreign wars or other National difficulties, be influenced favorably towards the land of his birth rather than towards the land of his adoption.

That the reader may the better understand the *modus operandi* by which a foreigner may become a citizen in America, the laws upon the subject of naturalization are here given, together with decisions upon important points; also the laws relating to the preemption of public lands, the right of aliens, and the law of expatriation.

Act of April 14th, 1802:

"SECTION 1. That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

"*First.* That he shall have declared, on oath or affirmation, before the Supreme, Superior, District or Circuit Court of some one of the States, or of the Territorial Districts of the United States, or a Circuit or District Court of the United States, three years at least before his admission that it was *bona fide* his intention to become a citizen of the United States, and to renounce

forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

"*Secondly.* That he shall at the time of his application, to be admitted, declare on oath, or affirmation, before some one of the Courts aforesaid, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof he was before a citizen or subject; which proceeding shall be recorded by the Clerk of the Court.

"*Thirdly.* That the Court admitting such alien shall be satisfied that he has resided within the United States five years, at least, and within the State or Territory where such Court is at the time held, one year at least; and it shall further appear to their satisfaction that, during that time, he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; *provided*, that the oath of the applicant shall, in no case, be allowed to prove his residence.

"*Fourthly.* That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the Court to which his application shall be made, which renunciation shall be recorded in the said Court; *provided*, that no alien who shall be a native citizen, denizen or subject of any country, state or sovereign with whom the United States shall be at war at the time of his application, shall then be admitted to be a citizen of the United States; *provided also*, that any alien who was residing within the limits, and under the jurisdiction of the United States, before the 29th day of January, 1795, may be admitted to become a citizen on due proof made to some one of the Courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least immediately preceding his application, within the State or Territory where such Court is at the time held; and on his declaring on oath or affirmation, that he will support the Constitu-

tion of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; and, moreover, on its appearing to the satisfaction of the Court that, during the said term of two years, he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the Kingdom or State from which he came, on his moreover making in the Court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which such proceedings, required in this proviso to be performed in the Court, shall be recorded by the Clerk thereof; *and provided also*, that any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said 29th day of January, 1795, and the 18th day of June, 1798, may, within two years after the passing of this Act, be admitted to become a citizen, without a compliance with the first condition above specified.

"Sec. 2. *And whereas*, doubts have arisen whether certain Courts of Record in some of the States, are included within the description of District or Circuit Courts; *be it further enacted*, that every Court of Record in any individual State, having common law jurisdiction, and a seal and Clerk or Prothonotary, shall be considered as a District Court within the meaning of this Act; and every alien who may have been naturalized in any such Court, shall enjoy, from and after the passing of this Act, the same rights and privileges, as if he had been naturalized in a District or Circuit Court of the United States.

"Sec. 3. The children of persons duly naturalized, under any of the laws of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the said States, under the laws thereof, being under the age of twenty-one years, at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States, and the children of persons who now are, or have been citizens of the United

States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States; *provided*, that the right of citizenship shall not descend to persons whose fathers have never resided within the United States; *provided also*, that no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted as a citizen, as aforesaid, without the consent of the Legislature of the State in which such person was proscribed.

"SEC. 4. All acts heretofore passed respecting naturalization, be and the same are hereby repealed."

## Act of March 26th, 1804:

"SEC. 5. That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the 18th day of June, 1798, and the 14th day of April, 1802, and who has continued to reside within the same, may be admitted to become a citizen of the United States without a compliance with the first condition specified in the first Section of the Act entitled, 'An Act to establish a uniform rule of naturalization, and to repeal the Acts heretofore passed on that subject.'

"SEC. 6. When any alien who shall have complied with the first condition specified in the first Section of the said original Act, and who shall have pursued the directions prescribed in the second Section of the said Act, may die before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law."

## Act of March 13th, 1813:

"SEC. 7. That no person who shall arrive in the United States from and after the time when this Act shall take effect, shall be admitted to become a citizen of the United States, who shall not for the continued next term of five years preceding his admission as aforesaid, have resided in the United States.

"SEC. 8. That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited any certificate or evidence of citizenship referred

to in this Act, or shall pass, utter, or use as true any false, forged, or counterfeited certificate of citizenship, or shall make sale or dispose of any certificate of citizenship to any person other than the person for whom it was originally issued, and to whom it may of right belong, every such person shall be deemed and adjudged guilty of felony; and on being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three, or more than five years, or be fined in a sum not less than five hundred dollars, nor more than one thousand dollars, at the discretion of the Court taking cognizance thereof."

Act of March 22d, 1816:

"SEC. 9. Nothing herein contained shall be construed to exclude from admission to citizenship any free white person who was residing within the limits and under the jurisdiction of the United States at any time between the 18th day of June, 1798, and the 14th day of April, 1802, and who, having continued to reside therein without having made any declaration of intention before a Court of Record as aforesaid, may be entitled to become a citizen of the United States, according to the Act of the 26th of March, 1804, entitled, 'An Act in addition to an Act entitled an Act to establish a uniform rule of naturalization, and to repeal the Act heretofore passed on that subject.' Whenever any person without a certificate of such declaration of intention as aforesaid, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the Court that the applicant was residing within the limits and under the jurisdiction of the United States before the 14th day of April, 1802, and has continued to reside within the same, or he shall not be so admitted. And the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application, shall be proved by the oath or affirmation of citizens of the United States, which citizens shall be named in the record as witnesses. And such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the Court admitting the applicant; otherwise the same shall not en-

title him to be considered and deemed a citizen of the United States."

## Act of May 26th, 1824:

"SEC. 10. That any alien, being a free white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States without having made the declaration required in the first condition of the first Section of the Act to which this is an addition, three years previous to his admission; *provided*, such alien shall make the declaration therein at the time of his or her admission, and shall further declare, on oath, and prove to the satisfaction of the Court, that for three years next preceding, it has been the *bona fide* intention of such alien to become a citizen of the United States, and shall, in all other respects, comply with the laws in regard to naturalization.

"SEC. 11. That the declaration required by the first condition specified in the first Section of the Act to which this is in addition, shall, if the same has been *bona fide* made before the Clerks of either of the Courts in the said condition named, be valid as if it had been made before the said Courts respectively.

"SEC. 12. That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first Section of the Act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; anything in the said Act, or in any subsequent Act, to the contrary notwithstanding."

## Act of May 28th, 1828:

"SEC. 13. That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States between the 14th day of April, 1802, and the 18th day of June, 1812, and who has continued to reside within the

same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become a citizen; *provided*, that whenever any person, without a certificate of such declaration of intention, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the Court that the applicant was residing within the limits and under the jurisdiction of the United States, before the 18th day of June, 1812, and has continued to reside within the same, or he shall not be so admitted; and the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application, shall be proved by the oath or affirmation of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the Court admitting the applicant; otherwise the same shall not entitle them to be considered and deemed a citizen of the United States."

Act of June 26th, 1848:

"SEC. 14. That the last clause of the 12th Section of the Act hereby amended, consisting of the following words, to wit: 'without being at any time, during the said five years out of the territory of the United States,' be, and the same is hereby repealed."

Act of February 10th, 1855:

"SEC. 15. That persons heretofore born, or hereafter to be born, out of the limits and jurisdiction of the United States, whose fathers were or shall be at the time of their birth, citizens of the United States, shall be deemed and considered and are hereby declared to be citizens of the United States; *provided, however*, that the rights of citizenship shall not descend to persons whose fathers never resided in the United States.

"SEC. 16. That any woman who might lawfully be naturalized under existing laws, married, or who shall be married to a citizen of the United States, shall be deemed and taken to be a citizen."

Act of July 17th, 1862:

"SEC. 17. That any alien, of the age of twenty-one years and upwards, who has enlisted or shall enlist in the armies of the United States, either the regular or the volunteer forces, and has been or shall be hereafter honorably discharged, may be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become a citizen of the United States, and that he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and that the Court admitting such alien shall, in addition to such proof of residence and good moral character as is now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States, as aforesaid."

The law of expatriation (so called) is one of interest to the citizens of all nations. How far, and in what, can the subject or citizen of a country, being naturalized in another country, throw off his allegiance to the country of his birth, or the country in which he has been once or last naturalized, has formed a subject of great national agitation. The doctrine of England is, that the natural born subject owes an allegiance to the place of his birth that is perpetual, and which cannot be released or divested by any act of his own. No judicial decision in the United States has altered this common law rule, which seems to be the law in the United States and all European countries. The hardships experienced by naturalized citizens of America, when returning to their birthplace in Europe, and being there conscripted and forced into military service, has aroused a strong prejudice in America against this doctrine. A better rule, undoubtedly, upon this very important subject, would be, that the citizen or subject of any nation, native born or naturalized, should be

at liberty to renounce all allegiance to the land of his birth or the country of his adoption, and become a citizen to the fullest extent, of any country in which he might reside and of which he became a citizen. In America, under the Federal Constitution and Federal laws, the greatest liberty and protection is extended to all citizens, regardless of birthplace or former condition; and the practice of European nations in ignoring the rights acquired by naturalization, and enforcing the common law rule of perpetual allegiance to the country of nativity, if not harmonized in conformity with the spirit of the progressive liberty of the age, will be a most fruitful source of international discord; and sooner or later must be settled either by treaty or by physical force. Neither the philosophy of Republicanism, nor the temper of the American people, can submit to see citizens, who have by solemn oath renounced all allegiance to all foreign Governments, States and rulers, and who have sworn to obey the laws and protect the Government of their adoption, look in vain towards America while they sigh within prison walls, or march as conscripts under the banner of a nation whose laws they despise, and from whose Government they have relinquished all allegiance by adopting another. The best rule upon this subject is, as well for the safety and peace of nations as for the liberty of the citizen, that the naturalized citizen at home or abroad owes allegiance only to the country of which he is a citizen or subject, amenable only to the local laws where he may reside; and while he is in the land of his birth or elsewhere, if he be a citizen of another country by adoption, is entitled to all the protection of a native born citizen of the country of which he is a citizen, and wherever he can see

the flag of the country of which he is *then* a citizen, he shall claim and receive its protection regardless of place of birth or former allegiance.

The American Government has always leaned towards this doctrine, which has found zealous advocates in the progressive Republican party; and an acquiescence in it, recently, by some of the European powers, encourages the hope that ere long all civilized nations will see the justice of adopting this rule, and that it will become the acknowledged law of all nations.

In further illustration of the features of the naturalization laws of the United States, and the rights of citizens, a few of the judicial decisions upon certain points of practical interest are here given:

"A married woman may be naturalized. *Ex parte* Mareanne Pic, 1 Cranch's Circuit Court Reports, 372; and that without the concurrence of her husband. Priest *v.* Cummings, 16 Wendell's Reports, 617."

The oath of allegiance, without waiting for the five years to elapse to take out final papers of citizenship, entitles the person to the *protection* of a citizen before the law. "The oath when taken, confers the rights of a citizen. Campbell *v.* Gordon, 6 Cranch's Reports, page 176."

This does not mean that a person on taking the oath is entitled to all the rights and immunities of a citizen. It only places him under the protection of the Government which he has sworn to support, and entitles him to the rights of a citizen *before the law*, without extending to him any of the *political rights* of a citizen.

The residence of five years need not be continuous and uninterrupted. The Act of June 26th, 1848, makes this so. See Section 14 of the Act alluded to. Also *Ex parte* Pasquett, 1 Cranch's Circuit Court Reports, page 243.

"An individual, whose father appears to have been a resident in this country, and to have been married and had children born here, is presumed to be a citizen, although he himself was born subsequently to his fathers removal to a foreign country, there being nothing else to show his father to have been an alien." Campbell *v.* Wallace, 12 New Hampshire Reports, page 362.

"The naturalization of a father, *ipso facto*, makes his son then residing in the United States, and under twenty-one years of age, a citizen." State *v.* Pennery, English's Reports, page 621.

"An American citizen who goes into a foreign country, although he owes local and temporary allegiance to that country, yet if he performs no other act, changing his condition, is entitled to the protection of his own Government; and if without the violation of any municipal law, he should be oppressed, he would have a right to claim that protection and the interposition of his Government in his favor." Murray *v.* The Charming Betsy, 2 Cranch's Reports, page 64; 1 Cond. Reports, 358.

"A native citizen of the United States cannot throw off his allegiance to that Government without a law authorizing the same." United States *v.* Gillis, Peters' Circuit Reports, page 159.

"In this country expatriation is conceived to be a fundamental right. As far as the principles maintained and the practice adopted by the Government of the United States are evidence of its existence, it is fully recognized. It is constantly exercised, and has never been in any way restrained. The general evidence of expatriation is actual immigration, with other concurrent acts, showing a determination and intention to transfer allegiance." Stoughton *v.* Taylor, 2 Paine's Circuit Court Reports, page 655.

"The Act of Congress of 1802, enacted that every Court of Record in any individual State, having common law jurisdiction, a seal, and Clerk or Prothonotary, shall be considered as a District Court, within the meaning of this Act, and such Courts have power to naturalize." *Ex parte* Knowles, 5 California Reports, page 300.

The right of *aliens* to possess and hold real estate in the several States is a matter of State law, which can be ascertained by reference to the statutes of the several States.

The public lands of the United States in all the States and Territories are open to pre-emption and settlement by foreigners or native born citizens alike; and aliens may inherit lands in any of the States in the absence of any legislation upon the subject to the contrary.

"An alien may hold real estate against every one, and even against the Government, until *office found.*" 3 Black, 259; 13 Wendell, 546; 3 Wheaton, 563; 5 California, 373.

"Aliens may be entitled to pre-empt under this act, (Pre-emption Act of the United States of May 29th, 1830,) especially where the local law authorizes them to hold real estate." 3 Opinions of the Chief Justice, page 90.

"By the terms settlers and occupants used in the Pre-emption Acts, is meant those who personally cultivate and reside on, or who personally cultivate, manage, and use the public lands. Actual residence on the land is not indispensable; yet with cultivation, it is the highest evidence of the personal connection which is indispensable." 3 Opinions of the Chief Justice, pages 182, 309, 313.

By a statute of the United States of September 4th, 1841, aliens must make a declaration of citizenship before they can enter or hold certain described surveyed lands of the United States. This Act is expressly confined to the *surveyed* lands. 3 California, page 370.

Among the many advantages that foreigners enjoy in America is that of settling upon the public domain. The millions of acres of rich agricultural and timbered lands of the United States are thrown open to them alike with the native born. These lands generally cost one dollar and a quarter per acre, and the terms of payment are easy. Since the issuing of paper money ("Greenbacks") by the Government, in 1861, up to the present time, and so long as paper money of the

Government is in circulation, it will be taken at par in payment for these lands. It will thus be seen that as this species of money could be bought ranging from 38 to 75 cents on the dollar in gold, these lands would only cost *ninety cents* in gold per acre, calculating "greenbacks" at 72 cents on the dollar.

In many parts of the Union mechanics receive from *four* to *eight* dollars per day in currency ("greenbacks"). At these rates an industrious mechanic may land in an American port without a dollar, go to work, support himself, and at the end of two months have paid for and own, in *fee simple*, a farm of one hundred and sixty acres of the best agricultural land in the world. He could not purchase *one* acre in most parts of Europe for the same amount of labor.

## CHAPTER XXVII.

ARRAIGNMENT OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, ON CHARGES OF HIGH CRIMES AND MISDEMEANORS. FINAL VOTE.

The arraignment of Andrew Johnson, President of the United States, before a Court of Impeachment for high crimes and misdemeanors, forms an epoch in the history of the Government of America. Judges and other high functionaries had been held to appear upon charges of high crimes and misdemeanors; but the Executive head of the Nation had now, for the first time, been cited before his peers, for the solemn announcement of "guilty" or "not guilty."

The history of America has never presented so flagrant a case of abandonment of party and party principles, as does the career of Mr. Johnson. He was elected in 1864 as Vice-President, at the same time that Abraham Lincoln was elected President for the second time. Mr. Johnson, who is a native of North Carolina, and a citizen of Tennessee, has been a "life-long Democrat;" his only claim upon the Republican party was the firm stand which he took in favor of the Union in 1860–1. At that time he was a Senator in the United States Senate from the State of Tennessee; and when the Senators and Representatives of the Slave States abandoned their posts, and in the councils of the Nation proclaimed their adhesion to a foreign Nation, and bade farewell to the Republic of America, Mr. Johnson took a firm stand in favor of the Union. Soon he was appointed military Governor of Tennes-

see, where he underwent persecution at the hands of the Democratic leaders. His nomination to the Vice-Presidency was brought about in the hope that as he was a Southern man and a Democrat, he would bring strength to the Republican party; and upon the spur of the excitement incident to the war then raging, and the fact that he had stood firm to the principles of the Republican party for four years, made him an available candidate. But Mr. Johnson did not bring any strength to the party in which he found himself; at the South he had but little influence, the leaders there were all for rebellion; and besides, they had always looked upon and proclaimed Mr. Johnson a man who in politics could not be relied upon; that he was a self-willed, stubborn, stiff-necked demagogue and political trickster—all of which, the party who had the misfortune to make him Vice-President, feel fully prepared to indorse.

Mr. Lincoln had served but one month of his second term as President, when he was assassinated; and, under the law, Andrew Johnson became President of the United States. The Republican party, then in power in every branch of the Administration of the Government, fresh from the bloody field of a long war now crowned with victory, found themselves deprived of the able and faithful services of the man who had guided the ship of State over the turbid sea of carnage, and safely into the haven of national security and repose, and his place occupied by an untried man, at least in the school of Republicanism as understood by Mr. Lincoln and the Republican party.

The war being at an end, new and important subjects presented themselves, demanding firmness, wisdom and patriotism upon the part of the Executive

and Legislative branches of the Government. Many Republicans doubted Johnson's ability, fidelity, and patriotism, for the discharge of these high offices; but his first acts gave promise of his sincerity to carry out the doctrines of the party that elected him. His declaration that he would "make treason odious," and his ludicrous pledge to the freedmen, that he would be their Moses, gave hope that he, at least, would endeavor to follow in the steps of his illustrious predecessor; but in this, the country has been sadly disappointed.

Mr. Johnson had, early in his Administration, appointed provisional Governors in the States lately in rebellion, under whose directions elections were held, resulting in the return to State and Federal offices of the leaders of the Rebellion. (See this subject under the head of Reconstruction.) Congress objected to the admission of these persons to the National Councils, and declared that the legislative branch of the Government was the proper department to adjust and regulate the re-admission of these States, and to judge of the qualifications of members of Congress. Johnson held that all that was necessary was for the people of the States lately in rebellion to take an oath of allegiance, and proceed at once to enter upon the duties and offices of State and National legislation. Congress reasoned that those who so deliberately violated their oaths and entered into rebellion, would take the oath with impunity; and that some guarantees for the protection of the rights of those lately held as slaves, and loyalty to the Federal Union, were necessary. Against all this, Johnson protested. The rebels now seeing a new champion in their cause, entered upon a crusade against all loyal men in the Slave States; enacted State laws again

returning the negroes to service and labor, and became turbulent and defiant of Federal authority. At this point, Johnson ceased to indorse the views of the National Congress, abandoned the party that elected him, gravitated back to his native element, the Democratic party, where he remained as the chief barrier to the restoration of peace and good order in the South, and a vexatious stumbling-block in the way of national legislation.

The Executive prerogative of the veto power had, during three-quarters of a century of National Executive authority, existed only in name, until Mr. Johnson introduced it as the leading feature of his Administration, wherein, with the reckless hand of a bigot and despot, in which he has exhibited the ill-natured and dogged traits accorded to him by those who claim to have had a personal acquaintance with him from his boyhood, he has brought that wholesome Executive power into disrepute.

The whole history of the Administration of this man has been marked by a reckless disregard of public interests, and the gratification of his own self-will. No man in America, professing to be a Union man, of whatever school of political faith, has been so persistent an enemy to the progressive spirit of Republican Government and the constitutional liberties guaranteed to the people, as has been Andrew Johnson during the period of his Administration as President of the United States. Undoubtedly James Buchanan was a greater public enemy, but he did not profess to be a Union man; on the contrary, a *disunionist*, as is fully evident by the enunciation in his last message, that Congress had no constitutional power to hold the States together—that each State was a sovereign and inde-

pendent nation. Johnson's term of office once ended, and he will pass into political obscurity, which will increase with each succeeding year, until no hand will be found to write his epitaph.

The people and the National Congress, goaded on to desperation by the persistent opposition of Johnson to the principles of the Republican party and the interests of the country, had instituted measures to inquire into his official conduct, with a view to impeachment. As early as the 17th of December, 1866, a resolution to this effect was introduced in the Congress by James M. Ashley, of Ohio. It required a two-thirds majority to carry the resolution—it was not agreed to. This was followed, on the 7th of January, 1867, by resolutions on the same subject, introduced by Representatives Benjamin F. Loan and John R. Kelso, of Missouri. On the same day Benjamin M. Ashley presented written charges of the commission of high crimes and misdemeanors against President Johnson. The charges of Mr. Ashley, and the resolutions of Messrs. Loan and Kelso, were referred to the Judiciary Committee. The Committee, on the 28th of February following, reported that the evidence developed would justify a further investigation, and they recommended to their successors, the members of the Fortieth Congress, an investigation of the charges.

The first session of the Fortieth Congress met on the 4th day of March, 1867. The Senate was composed of 53 members—forty-two Republicans and eleven Democrats. The lower branch was composed of one hundred and ninety-two members—one hundred and forty-three Republicans and forty-nine Democrats. The Republicans having a clear working majority in both branches, were able to carry every measure

against all Democratic opposition, and over the veto of the President; and nothing but this fortunate state of affairs saved the country from a second conflict of arms, and led to a reconstruction of the States lately in rebellion, upon the principles of constitutional and Federal authority.

Soon after the meeting of the Fortieth Congress the Judiciary Committee took up the subject of the investigation of the charges alleged against the President by the Thirty-ninth Congress. On the 25th day of November, 1867, the report of the Committee of Investigation was presented to Congress. Two reports were made—a majority in favor of dismissing the charges, and a minority for impeachment. This latter was lost, however, on a vote being taken.

The next step towards impeachment was made on the 4th of February, 1868. On that day the letters passing between the President and Gen. Grant, in reference to the removal of Mr. Stanton from the Secretaryship of the War Office, were read, and referred to the Committee on Reconstruction. The object of the investigation was to ascertain whether Johnson's obstructions to the Acts of Congress were impeachable offenses. The Committee decided adversely to impeachment. Subsequently the following letter from the President to Mr. Stanton was presented to Congress, upon which immediate action was taken. It was referred to the Committee on Reconstruction:

"EXECUTIVE MANSION, WASHINGTON, Feb. 21st, 1868.

"*Sir:* By virtue of the power and authority vested in me as President, by the Constitution and laws of the United States, you are hereby removed from office, as Secretary of the Department of War, and your functions as such will terminate upon receipt of this communication.

"You will transfer to Brevet Major-General Lorenzo Thomas, Adjutant-General of the Army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, papers, and other public property now in your custody and charge.

"Respectfully yours,

"ANDREW JOHNSON,

"President of the United States.

"To the Hon. Edwin M. Stanton, Washington, D. C."

On the following Saturday, February 24th, Hon. John Covode, member of the Lower House, offered the following resolution:

"*Resolved*, That Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors."

This resolution was also sent to the Committee on Reconstruction.

On the news of the President's letter to Mr. Stanton, the Senate met in Executive session, and adopted the following resolution:

"WHEREAS, The Senate has received and considered the communication of the President, stating that he had removed Edwin M. Stanton, Secretary of War, and had designated the Adjutant-General of the Army to act as Secretary of War *ad interim*, therefore,

"*Resolved*, By the Senate of the United States, that under the Constitution and laws of the United States, the President has no power to remove the Secretary of War, and to designate any other officer to perform the duty of that office *ad interim*."

The excitement now throughout the country was intense. The Republicans looked upon this act of the President as defiant and illegal, while the Democracy, North and South, rallied to the support of Johnson, offering him aid in men and arms if he would hold firm to his position; and threats of open physical resistance were made by the Democracy, should the President be impeached.

The Committee on Reconstruction, consisting of Thaddeus Stevens, George S. Boutwell, John A. Bingham, C. S. Hubbard, J. F. Farnsworth, F. C. Beaman, and H. E. Paine, presented a report in favor of impeachment with the following resolution:

"*Resolved*, That Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors."

Upon this a vote was taken in the House, resulting in one hundred and twenty-six for the resolution, (all Republicans,) and forty-seven against it. The Senate was at once informed of the action of the House, (February 25th, 1868). The House Committee appointed for that purpose, at once proceeded to draw up articles of impeachment, which they presented on the 29th day of February. These articles consisted of eleven separate charges. The two most relied upon for conviction were the one relating to the declarations of the President, that the Congress was an illegal body, and the other, the one relating to Stanton's removal. On the 4th day of March, 1868, the articles were read in the Senate by Mr. Bingham, Chairman of the Managers on the part of the House of Representatives. On the following day, March 5th, the Senate, with the Chief Justice of the United States presiding, convened as a High Court of Impeachment. Judge Nelson administered the legal oath to the Chief Justice, who took his seat. The oath to the Senators was next administered. A summons was issued to Andrew Johnson, commanding him to appear at the bar of the Senate on Friday, the 13th day of March, at one o'clock P. M.

On the day appointed for trial, Mr. Johnson appeared, by counsel, and asked forty days' further time to answer. The Court extended the time to appear to

Monday, the 23d day of March, upon which day the President appeared, by counsel, and put in his answer of denial and justification. On May 16th, 1868, the vote was taken, first on the eleventh article, the one charging Mr. Johnson with declaring Congress an illegal body and in attempting to keep Stanton out of the office of Secretary of War, after the Senate had refused to concur in his removal, and also in obstructing the execution of the laws of Congress; upon this article the Senate failed to convict, and adjourned the trial to May 26th, when that body voted on the second and third articles with a similar result, after which the Senate—sitting as a Court of Impeachment—adjourned *sine die.*

The Chief Justice, on putting the question to vote, said: "Senators, in conformity to the order of the Senate, the Chief Justice will now proceed to take the vote on the eleventh article, as directed by the rule."

The eleventh article being read by the Clerk, the Chief Justice standing. On the roll being called, Senator Anthony's name being the first, he rose in his place; the Chief Justice addressed him: "Mr. Senator Anthony, how say you, is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor, as charged in this article?" Senator Anthony responded, "Guilty." The roll continued to be called, until all the Senators had responded, which stood on the summing up, yeas 35, nays 19, lacking but one vote to convict.

The vote stood:

*For Conviction*—Anthony, Cameron, Cattell, Chandler, Cole, Conklin, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill, (Me.,) Morrill, (Vt.,) Morton,

Nye, Patterson, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Willey, Williams, Wilson, Yates—35.

*For Acquittal*—Bayard, Buckalew, Davis, Dixon, Doolittle, *Fessenden*, *Fowler*, *Grimes*, *Henderson*, Hendricks, Johnson, McCreery, Horton, Patterson, *Ross*, Saulsbury, *Trumbull*, *Van Winkle*, Vickers—19.

For conviction, 35 Republicans—no Democrats; for acquittal, 7 Republicans, and 12 Democrats.

The names of the Republicans voting for acquittal are printed in italics. The fact that not a Democratic vote was cast for impeachment will show the animus of that party. Democrats have long had the reputation of casting votes for their party, regardless of men or principle. The vote, as above recorded, will not tend to impair that belief.

## CHAPTER XXVIII.

CITIZENSHIP IN THE SOUTHERN CONFEDERACY.—CONFEDERATE CONSTITUTION.—NO CITIZENS OF THE CONFEDERACY.—CONSCRIPTING THE SOVEREIGN PEOPLE.—THE SOUTH TIRED OF FEEDING FOREIGNERS; THEY MUST LEAVE THE CONFEDERACY.—ALL THE PEOPLE MUST LABOR.—SOUTHERN CONGRESS ON LINCOLN'S EMANCIPATION PROCLAMATION.—THE "BLACK FLAG" TO BE HOISTED.

CONSIDERABLE difference of opinion had agitated the minds of the people of the Confederacy during its existence, as to who they were. They had left the old Union, proclaiming that they were not citizens of the United States; that their allegiance was first due to their States, then to the Union.

They were ardent believers in sovereignty, but it extended only to the "Sovereign States." They could not be the subjects or citizens of two Sovereign Governments at the same time; hence, when they placed themselves under the sovereignty of the Southern Confederacy, they found themselves about as uncomfortably situated as they were under the "hated Union." They had adopted a Constitution binding all the States together, and prohibiting them from "entering into any treaty, alliance, or confederation;" nor could they grant letters of marque, and reprisals; coin money; lay imposts on duties, keep troops, nor ships of war in time of peace; enter into any agreement or compact with another State, nor with a foreign power. This, of course, could not suit those who so lately pronounced that they could not commit treason against the United States, as they owed allegiance only to the Sovereign States; hence an association with the

Confederacy became oppressive, and little doubt remains that, had the Southern Confederacy existed until to-day, some of the Sovereign States would have sought separation from the Confederacy, and the States and people separately declared their sovereignty according to the philosophy of Buchanan, Stephens, Wood, and others.

Section 2, of Article I, of the Confederate Constitution, said, that members of Congress should be citizens of the Confederate States; Senators, and the President and Vice-President, should also be citizens of the Confederate States.

Sec. 3, of Article III, of the Constitution, said, that the citizens of these Sovereign States *could* commit treason against the Confederacy. "Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." This meant the Confederate States in the aggregate as a Sovereign Nation.

In the Confederate Senate, on the 7th day of October, 1862, on the debate arising as to who were citizens of the Confederacy, declarations were made that no citizen of the "Sovereign States" owed allegiance to the Confederacy; that there was no such thing as a citizen of the Confederate States. In this debate, Senator Hill, of Georgia, said:

"If a citizen has once elected to be a citizen of one of the Confederate States, that act makes him a citizen of the Confederacy, and he cannot throw off his allegiance."

Senator Wigfall, of Texas, said:

"There is no such thing as a citizen of the Confederate States. *No citizen owes allegiance to the Confederate States.*"

Mr. Hill held that the citizen *did* owe allegiance to

the Confederate States. "The citizen's first allegiance is due to his State, but through the State becomes allegiance to the Confederate Government."

The Confederate Constitution said:

"The electors in each State shall be citizens of the Confederate States. No person shall be a Representative who has not attained the age of twenty-five years, and been a citizen of the Confederate States."

"No person shall be a Senator who shall not have attained the age of thirty years, and been a citizen of the Confederate States."

"No person except a natural born citizen of the Confederate States or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th December, 1860, shall be eligible to the office of President."

Mr. Hill further said:

"I grant that no person can be a citizen of the Confederate States, who is not a citizen of some one of the States; but it does not follow that a citizen of a State is necessarily a citizen of the Confederate States."

It will be plainly seen from the preceding, that the *status* of the people of the Confederacy was, to say the least, very uncertain; and that between the idea of State Rights, Sovereign States, and Confederate States, even the learned Senators of the Confederacy were unable to define their own political position—it was uncertain that, being citizens of a Sovereign State, made them *per se* citizens of the Confederacy. All seemed to agree, however, that their primary allegiance was due to the State wherein they resided. But the Confederate Constitution said the opposite. How long it would be before the citizens of these Sovereign States would be cursing the hated Confederacy, cutting each others' throats, and each State proclaiming itself

a foreign nation, is easy to conjecture. Citizenship has always been a source of perplexity to Southern Democrats; they claimed that the States were sovereign, and still could not well deny but that there was some sovereignty in the United States; so according to their own positions and belief, their citizenship was divided between their States, the United States and the Southern Confederacy. Their great lawgiver, Alexander H. Stephens, had said, that their first allegiance was due to their State; and imbued with this idea, they entered into war with the United States, but soon found themselves again entangled in the meshes of a Sovereign Confederacy, demanding from them that allegiance which they refused to surrender to the United States.

The Sovereign States of the Confederacy found a very unpleasant application of Confederate sovereignty when men and money were wanting for the army. When the Confederate Congress, conducting all its important business in secret session, levied oppressive taxes, conscripted old and young, negroes included, into the army, appropriating hay, grain, bacon, and all other provisions, and paying for them in Confederate "graybacks," at prices regulated not by the farmer and merchant, but by Government agents, acting under Confederate laws, who had the absolute disposal of the goods, chattels, and persons of the citizens of the "Sovereign States," many of the people rebelled against this tyranny, denying the power of the Confederate Government to thus ruthlessly disturb the composure of the citizens of Sovereign States. But at each step they became more confounded, and much confused and alarmed as to the extent and location of their *sovereignty*. Alexander H. Stephens and others

had told them that France and England had, at the close of the war of 1776, recognized each State as a *sovereign*, and all good Democrats had learned that. But *who* was a citizen of a Sovereign State? No law had been passed by any State respecting the naturalization of aliens. And besides, how would a person become a citizen of a State? Citizens of each of the States were not citizens of each of the other States, for in many instances they were held as aliens, and not eligible to offices of profit or trust.

In the Confederate Congress in 1863-4, Senator Brown, of Mississippi, upon the subject of conscripting the sovereign people of the States, said he proposed to take all, without reference to age or occupation, and make but one inquiry:

"Is he capable of bearing arms? Whether he be Jew or Gentile, Christian or Infidel, if he is capable of bearing arms, he should be put in the army. * * 'If you are capable of bearing arms, you must do it.' Talk not of 'invading the rights of the States.' * * Better invade the rights of the States by calling out all arm-bearing citizens, than dispute over constitutional quibbles while the Yankee army wrests the whole State from your possession."

At this session it was urged that President Davis issue another proclamation, requiring all foreigners to take up arms or leave the Confederacy within sixty days. Upon this subject Senator Brown said:

"We are tired feeding drones. They are of no earthly use to us. They are eating out our substance, and by their speculative proclivities are depreciating our currency. The time has arrived when we can entertain you no longer." He would "rather this day have a regiment of Yankees turned loose on the city than longer tolerate the presence of such people."

The Confederate Congress, in utter disregard of the

sovereignty of the States and of the good people of the South, soon reduced the whole population to a condition of vassalage. An Act of Congress of 1864, after providing that all able to bear arms should be conscripted, declared that—

"Each person exempted shall devote himself, and the labor he controls, to the production of provisions and family supplies. That there shall be contributed, for the use of the army, from every farm, besides the tithes required by tax, an additional tenth of all the pork or bacon produced. And if required, the persons exempted shall sell all their surplus provisions for the use of the soldiers' families, or the army, at prices fixed by Commissioners."

The Southern Democracy could endure this species of *liberty* under the Administration of Jefferson Davis, but the tyranny of the *Radical* Administration, when submission to just and beneficent laws was demanded, could not be tolerated. Under Davis, although slaves themselves, they could still ply the whip upon the back of the negro. Under "Radical Reconstruction" the lash emitted no music for Democratic ears, hence the *uneasiness* of the people of the Sovereign States South.

During the year 1864, the people of the South were much agitated in regard to the assumptions of the Confederate Congress in proposing to send Commissioners, appointed by the Executive, to treat with the "Lincoln Government" upon terms of peace. Such Commissioners, they thought, ought to be appointed by the Sovereign States. This subject brought up a lively discussion in the Confederate Congress and in the State Legislatures, as to who these good people were, and where they belonged; whether they were not all sovereign in person, owing allegiance only to themselves,

the township, county, or State wherein they resided. When the Confederacy collapsed, they were found in this sad uncertainty. Many of them are to this day undecided as to the *extent* and *location* of their sovereignty, and still proclaim for the right of *self*-government.

As to their committing treason against the United States, that they hold to have been impossible, as they were not citizens of the United States, but of the Sovereign States.

The delusion of State Sovereignty has been somewhat damaged by the Reconstruction Acts of the Federal Congress and the operations of the late war; but the constant demands made by leading Democrats, North and South, for *restoration* of the Southern people to all their rights under the Constitution as they were before the recent "unpleasantness," and their persistent opposition to Federal authority, plainly show that the present generation of the Democracy must pass away before the philosophy of Republican government, as understood and practiced by the Republican party, will be comprehended by them. Not only must the present crop of them die out, and the young ones be taught in the school of modern Republicanism before they are Americanized, but the home missionary must meet the immigrant upon our shores with the National Constitution in his hands—lead the newcomer into the free school from which he may be inducted into the pure light of Republican philosophy, and his feet turned from the slough of Democratic despond, where so many of them have trod in the past.

The death struggle made by the Southern Democracy to hold fast to the negro was intensified by the announcement of President Lincoln's Emancipation

Proclamation. In this, the rebels saw their doom. They well knew that if once the negro had his liberty, no power on earth could enslave him again; and also felt assured the freedman would be placed in the army.

On the 29th of September, 1862, the proposed proclamation was before the Rebel Congress, when a warm discussion followed as to the best mode of retaliation. Many plans were suggested, all exhibiting the most brutal and murderous propensities. A few samples of the spirit of Southern Congressmen will suffice to show how completely the traffic in men had brutalized the subjects of the Sovereign States.

The following resolution was introduced by Mr. Semmes, of Louisiana:

"*Resolved*, By the Congress of the Confederate States, that the proclamation of Abraham Lincoln, President of the United States of America, issued in the City of Washington, in the year 1862, wherein he declares 'that on the first day of January, in the year of our Lord 1863, all persons held as slaves within any State, or designated parts of States, whereof the people shall be in rebellion against the United States, shall be henceforth and forever free,' is leveled against the citizens of the Confederate States, and as such is a gross violation of the usages of civilized warfare, an outrage on the rights of private property, and an invitation to an atrocious servile war, and therefore should be held up to the execration of mankind, and counteracted by such retaliatory measures as in the judgment of the President may be most calculated to secure its withdrawal or arrest its execution."

Mr. Clark, of Missouri, was "in favor of declaring every citizen of the Southern Confederacy a soldier, authorized to put to death every man caught on our soil in arms against the Government."

Mr. Henry, of Tennessee, said: "The resolution did not go far enough." He "favored the passage of a law providing that, upon any attempt being made to

execute the proclamation of Abraham Lincoln, we immediately hoist the *black flag*, and proclaim a war of extermination against all invaders of our soil."

Mr. Phelan, of Mississippi, said that he "was always in favor of conducting the war under the black flag; if that flag had been raised a year ago, the war would be ended now."

October 1st, 1862, the Judiciary Committee of the Confederate Congress, made a report and offered a set of resolutions upon the subject of President Lincoln's proclamation, from which the following are extracts:

"2. Every white person who shall act as a commissioned or non-commissioned officer, commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train, or prepare negroes or mulattoes for military service, or aid them in any military enterprise against the Confederate States, shall, if captured, suffer death.

"3. Every commissioned or non-commissioned officer of the enemy who shall incite slaves to rebellion, or pretend to give them freedom, under the aforementioned Act of Congress and Proclamation, by abducting, or causing them to be abducted, or inducing them to abscond, shall, if captured, suffer death."

Senator Hill, of Georgia, introduced the following resolution in the Confederate Congress:

"That every person pretending to be a soldier or officer of the United States, who shall be captured on the soil of the Confederate States, after the 1st day of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to incite insurrection and abet murder; and unless satisfactory proof be adduced to the contrary, before the military court before which the trial shall be had, shall suffer death. This section shall continue in force until the proclamation issued by Abraham Lincoln, dated at Washington on the 22d day of September, 1862, shall be rescinded, and the policy therein announced shall be abandoned, and no longer."

The Confederate Congress finally left the subject to

President Davis. A general exchange of prisoners under the recognized rules of war was soon after affected, and the war progressed without the black flag of the Democracy of the South, save at Fort Pillow and a few other places.

# CHAPTER XXIX.

POLITICAL PARTIES.—WASHINGTON'S ADMINISTRATION.—FEDERAL AND ANTI-FEDERAL PARTIES.—FIRST "DEMOCRATIC CLUBS."—FRIENDS OF ROBESPIERRE.—WASHINGTON CONDEMNS THE JACOBIN CLUBS.—FIRST NATIONAL CONVENTION IN AMERICA.—ORIGIN OF THE DEMOCRATIC PARTY.—FIRST CALLED REPUBLICAN.—NATIONAL REPUBLICANS.—ORIGIN OF THE WHIG PARTY.—REPUBLICANS AND DEMOCRATS.—THEIR PRINCIPLES AND PRACTICES.

THE first few years of American nationality was not characterized by any well-defined opposite political organizations. The battle between the British troops at Lexington, the subsequent battle of Bunker Hill, and the war that followed, brought forth the energies of the colonists in an offensive and defensive struggle, which left but little time for the organization of political parties. The *Declaration of Independence*, issued July 4th, 1776, served to unite the people for two years, until the 9th day of July, 1778, at which time the *Articles of Confederation* were adopted, uniting the thirteen Colonies in a Confederation for mutual protection, under which the civil and military affairs of the Colonies were conducted for a period of nine years—until the adoption of the *Constitution of the United States*, September 17th, 1787. Up to this period, but little division of political sentiment had been manifested among the people; but in the Convention that framed the Constitution, a marked political feeling developed itself.

Under the Articles of Confederatian the *union* of the Colonies was as binding as it is to-day by any clause of the Federal Constitution.

It was upon the discussion of the sovereignty of the States, and in what, and how far, they would relinquish their character as such to the Federal Union, that the first political division was developed among the American people, and the first political names—*Federalists* and *Anti-Federalists*—had their origin in the proceedings and debates of this Convention, the proceedings of which will be found in another chapter of this volume, and will serve to illustrate the positions of leading men of that period, upon the subject of State Sovereignty and the Sovereignty of the Federal Union, as understood and advocated by the respective parties of the Nation.

Republicans and Democrats—the names by which the two great political parties of America are known to-day—had their origin and received their vitality in the heated debates in the Convention which framed the Federal Constitution. The former party advocating (as its name—Federalists—indicates) a *Federal Union*, possessing all the sovereign powers of nationality; the other (as its name indicated)—Anti-Federalists—was opposed to a National Confederation, save in a limited and subordinate position, and advocated the retention of the sovereign character of the several States within themselves.

At the head of the Federal party stood George Washington, John Adams, and Benjamin Franklin; and at the head of the Anti-Federal party, Thomas Jefferson and Charles Pinckney. From that early period up to the present time—through all the checkered phases that these two parties have passed, and under the many party names that they have hoisted their banners—they have stood strictly and unflinchingly to their original party ideas, and have held continu-

ously from that period to the present, the position of the two great leading political parties of the Nation. All State or National political bodies outside of these two, were but off-shoots of one or the other of these parties; and although, at times, a seeming vitality was exhibited by them under some local influence or special agitation, each, at successive periods, as if by a law of gravitation, returned to the parental roof, where in the trying hour of political disaster, they always found a hearty welcome and assured protection.

George Washington, the first President of the Republic under the Federal Constitution, was elected by the unanimous vote of the people, having received all the votes cast in the Electoral College; and John Adams, having received the next highest number, was elected Vice-President. The second election of Washington to the Presidency, in 1793, was also unanimous by the whole people, John Adams being again elected Vice-President. Upon both occasions the vote for Vice-President was divided among several persons. It will be remembered that from the first election of Washington up to the election of Jefferson, in 1801, the person receiving the highest number of votes was declared President, and the person receiving the next highest number Vice-President, which caused the electoral vote to be divided between many persons. Before the election in 1801, the Federal Constitution was so amended that the President and Vice-President were elected separately. (See Presidents, Appendix.)

During the second Administration of Washington, while Alexander Hamilton was the acknowledged leader of the Federal party, and Thomas Jefferson of the Anti-Federal party, the latter party changed its name to the *Republican* party—a name given to the

Anti-Federal party by Jefferson himself. From this period up to the first election of Andrew Jackson, in 1828, what is now known as the Democratic party, continued under the name of the Republican party. The first National Convention under this name met at Baltimore, in May, 1832, for the purpose of nominating Andrew Jackson for the Presidency for a second term. Thus the old party name of Anti-Federalist, and the more recent name of Republican, were abandoned, and the party launched upon the turbid sea of political affairs with the name of Democrat, which it retained, as it floated upon the placid waters of peaceful victory, until the year 1859-60, when its ranks were sadly depleted by being divided into four parts, three of which, in separate organizations, nominated candidates for the Presidency, as did the remnant of the Democracy, thus demoralizing the original Democratic party, and opening a broad gap in its ranks, through which the Republican party, with Abraham Lincoln, the champion of human freedom, at its head, his eye fixed upon the star of hope, moored the Ship of State in the haven of National security, where with a faithful and gallant crew, the National symbol of Freedom has floated at her mast-head, while the disjointed and crazy old Democratic hulk has drifted before the pitiless storm, the first shock of which wrenched the helm from the liliputian fingers of James Buchanan, and consigned it to the grasp of the nervous hand of Jefferson Davis, who for four years, with his mutinous crew, tossed amidst the conflicting elements of nature, and the more destructive broadsides poured upon him from the old Federal Ship of State, before which, with a black cloud above and a raging sea beneath, the Democratic hulk sank in the gloom of night beyond the hope of resurrection.

The adoption of the name of Democrat by the old Anti-Federal and old Republican party, was not the first appearance of the name in America. Early in the second Administration of Washington, (1793,) it was apparent that a strong party opposition was forming against himself and his Administration, at the head of which Thomas Jefferson was supposed to be. This party had drawn to its support the whole Southern wing of the Anti-Federalists, who had so violently opposed the formation of a Federal Union, and who claimed that each State was a sovereign power.

At this period the threatening aspect of affairs between France and England, led the friends of the former to expect support from the United States in return for the friendly relations existing between France and the Colonies during the Revolutionary War. But the United States had but just passed through a seven years' struggle, that had almost prostrated her financial affairs; and to avoid any complicity in a foreign war was most desirable, as a single stroke of ill luck at that critical juncture, might again place America under European rule. All this was fully understood by the Anti-Federal party, who now seeing that the Northern States were freeing their slaves and making vigorous strides in the arts and trade, began, even at this early period, to regret their connection with the Union, and to desire separation. To accomplish this they set vigorously to work to cast opprobrium upon the Administration, and to accuse Washington of imbecility and cowardice, hoping by this means either to divide the American people, inaugurate a civil war, and the South separate from the Union, or to entangle the country in foreign difficulties, and hazard the chances of having the States placed upon their

original footing by some means. To accomplish this, they (Anti-Federalists) allied themselves with M. Edmund C. Genet, the French Minister, who had arrived in the United States in that year, courting his favor, and poisoning his mind against Washington and his Administration, the more effectually to cause either a war between England and America, or to create a civil war between the Federalists and Anti-Federalists in America. To effect their schemes, the Anti-Federalists formed clubs, upon the style of the supporters of Robespierre, and after the "Jacobin Clubs" of Paris. These they called *Democratic Clubs*. Thus we have the origin of the present Democratic party and Democratic clubs throughout the Republic, which were moulded after the style of the Paris Jacobin Clubs, headed by a foreign demagogue, (Genet,) anxious to engender discord and war at home or abroad.

These clubs and this party found zealous support from those who had during the Revolutionary War, lent but feeble and unwilling aid in the revolutionary struggle; and who, in the Convention that framed the Federal Constitution, exerted every energy to thwart the plans of Washington, Adams, and others, in the formation of a National Union.

At this early period, the members of the Robespierre Democratic Clubs in America, were as bitter enemies of human liberty, as bigotted, subtle, malignant, ignorant, and rebellious, as are many of the Democratic Clubs of the United States at this day. The Democratic Clubs of 1793 were, however, doomed to disappointment and decay. The poisoned fork of their tongues, leveled against the pure character of Washington, was ineffectual. The great mass of the American people knew too well the pure motives and

wisdom of the father of their country, to be led into civil war, or foreign difficulties against his counsels. Washington early perceived the evil tendencies of these treasonable organizations, and beneath his frown they slunk away "like a guilty thing under a terrible summons."

Washington, in his address to Congress, dated November 4th, 1794, made these clubs a special object of his displeasure. How fully his remarks, then, would apply to the clubs of the same name, which have afflicted the country for the past eight years, let the reader judge. He said:

"Having been fermented by combinations of men, who, careless of consequences, and disregarding the unerring truth, that those who rouse cannot always appease civil convulsions, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies and accusations of the whole Government."

At the earlier period of national politics, no such thing was known as *National Conventions*. Presidential nominations were generally made by the State Legislatures or Congressional *Caucuses*. It was not until 1830 that the first *National* Convention for the nomination of President and Vice-President was held; this was the Convention of the *Anti-Masonic* party, which met at Philadelphia in September of that year.

The Democratic or Jackson National Convention, which convened at Baltimore, May, 1832, was the first formal renunciation of the name of *Republican* by that party. Jackson had been nominated for the Presidency as early as 1822, for the Presidential election of 1824, by the State Legislature of Tennessee, and other bodies of the people. Up to 1830, what is now known as the Democratic party, was called *Republican Democrats*.

*National Republicans in* 1831.—At this period, when great divisions, change of names, and change of principles, were going on in the various wings of the political parties of the country, a new organization, calling themselves National Republicans, met at Baltimore. They convened on December 12th, 1831, and nominated Henry Clay for the Presidency, and John Sargent for the Vice-Presidency. This party was made up in a large measure of the opponents of Jackson, and of members of the Federal party; their candidates were defeated, and with them went down the name of the party.

*Federal Party.*—The Federal party, composed of the leading men of the Revolutionary period, who favored a vigorous prosecution of the war, and who labored zealously for the formation of a Federal Union and the dedicating of the Territories to Freedom, and had supported Washington against the malignant and traitorous schemes and attacks of the "Democratic Clubs" and Anti-Federalists, held its organization under its ancient name of Federal party until 1831, when the great body of the party, with other political organizations, formed under the name of the National Republican party. But this new name they did not long retain. They liked the word *Republican;* but as the party which at that period, (1831) known as the Democratic party, had been known by the name of Republican party from 1793 up to 1828, and as all their acts had been opposed to what the Federalists conceived to be Republican, they (the Federalists) soon abandoned the name of National Republicans, and in 1835 met in National Convention at Harrisburg, Pennsylvania, for the first time, under the title of *Whigs.* [The word *Whig*, Ash, in his dictionary, informs us, is from *Whiggam*—a term

used in Scotland in driving horses. In 1648 a party of horse drivers—*Whiggamores*—marched to Edinburgh to oppose the King and the Duke of Hamilton; at this time the name of *Whig* was given to the party opposing the Court. The difference between the old Scottish Whigs and American Whigs was, that the former drove horses, while the latter drove refractory and rebellious Democrats.]

This new party (Whig) nominated William H. Harrison for the Presidency, and John Tyler for the Vice-Presidency. Martin Van Buren and Richard M. Johnson, the Democratic candidates, were elected.

With the formation of the Republican party in 1856, the Whig party expired. In Chapters XII and XIV will be found a full account of the origin of all the political parties in America from the earliest period to the year 1869.

*Republicans and Democrats.*—As the two political organizations, Republican and Democratic, stand before the American people at this time, they present a forcible illustration of the principles which, at the very earliest period of the Government, placed the supporters of the one upon the side of constitutional freedom, and of the other upon the narrow confines of "State Rights" and local proscriptions.

Impartial history and the records of the country fully demonstrate that whatever is of freedom and greatness connected with our Government, belongs to the one; and whatever has been oppressive, cruel, and rebellious, is the offspring of the doctrines and principles of the other.

The history of civil government teaches us that there is nothing in the whole affairs of man, so difficult of fulfillment as the establishment and application of

equal justice, and an equal participation in the affairs of Government by the mass of the people. The Republics of Greece and Rome served only to inspire the people with a *hope* of freedom, to be rendered the more wretched when by venality and treachery their liberties were usurped by ambitious leaders.

Republicanism in France, slowly fought its way through a sea of blood, only to be grasped by the hand of Napoleon, and reduced to a petty dependence upon his will. The other Republics of the world, ancient and modern, have always had among their citizens those who opposed their forms of government, and were ready to proclaim in favor of monarchy, or who would disrupt the ties of nationality and take the desperate chances of securing place and power amidst the turmoil and wreck that would ensue from a civil war. The Spanish American Republics of South and Central America, and the Republic of Mexico, present striking illustrations of this historic fact. In this, America has not been an exception; the Republic has been as prolific of petty tyrants, as has been any Government of ancient or modern times, and within their State Governments have arrogated to themselves the complete disposal and control of the lives and liberties of large classes of the citizens. The leading spirits of the usurping party have been those advocating the "Sovereignty" of the States, and denying to the General Government any other position than that of an agent appointed to supervise certain delegated powers. Imbued with this doctrine, the local State Governments, presided over by the Democracy, fairly exhibit the views of that party upon the subject of Republican Government, and clearly exhibit the *style* of government that they would establish over the whole Republic, were they in power.

When the Southern Democracy commenced the Rebellion, in 1860, fifteen of the American States were slaveholding; and, according to the doctrines and practices of the majority of their people, (Democrats) these were *Sovereign Nations*. Being Sovereign Governments, their affairs were conducted in strict accordance with the Democratic views of Republican Government, not only in their holding no allegiance to the Federal Union, but in the representative privileges of the people, and from their own stand-point, and by their own laws, established by themselves, in their own States, untrammeled by any officious interposition of Whigs, Abolitionists, Republicans or "Radicals," must we judge of what would be a Republic, controlled and presided over by the Democracy.

The fifteen Slave States, at the breaking out of the Rebellion, were entirely destitute of any of the qualifications prescribed by the Federal Constitution and Federal laws to entitle them to the name of Republican Governments. Their Constitutions, and the whole range of their State legislation, had been in direct opposition to the Federal laws and the spirit of Republican Government. The sacred boon of religious freedom, established by the first amendment to the National Constitution, had been ruthlessly violated and rendered void—depriving large classes of citizens of all right to participate in the affairs of government, unless they professed a certain religious faith—thus as completely establishing "Church and State" as did their natural allies, the Tories of Britain. In most of these States, also, property qualifications were imposed, both as a requisite to casting a vote, or holding any office of profit or trust, thus completely retaining in the hands of the wealthy classes the whole control and patronage of the State Governments.

In most of these States, Constitutions were adopted and laws enacted retaining in the hands of the *native born citizen* all important offices, so that by religious proscriptions, test oaths, large property qualifications, and stringent laws excluding *adopted citizens* from office, the States under the control of the Democracy were really "Foreign Nations," Anti-Republican, petty despotisms established within the territory of the Republic. (See State Constitutions, pages 410–34.)

How different the Constitutions, laws and practices of the people and States governed by the Republican party were, must also be gathered from their Constitutions and laws. The Republican party, from the earliest period of the Government advocated and practiced the doctrine of the supremacy of the Federal Government; thus those imbued with these views, early became attached to the American Republic. In its Constitution and laws they saw their political and religious freedom; in its flag they saw the symbol of their nation's greatness. The prosperity of each State and Territory was to them the prosperity of the whole country. When they traveled into foreign lands and were asked their nationality, they proudly answered that they were *Americans*—not with the bated breath of the Southern Democrat, who never could get his nationality beyond Georgia or Virginia—but with an emotion and emphasis indicating their love of country.

The Constitutions and laws of those States presided over by Republicans, were eminently *Republican in spirit and practice.* No religious proscriptions—no burdensome property qualifications—no laws depriving the adopted citizen of participating in the affairs of government existed, except in a few unimportant instances; but full participation was extended to every

citizen—those of foreign birth, as well as the native born—who was twenty-one years of age, regardless of religion or property, to the enjoyment of equal rights to the elective franchise, and to hold any and all offices in the land.

Of the nineteen Free States in the Union, at the breaking out of the Slaveholders' Rebellion, and wherever the Republican party was in power, no property qualification, religious proscription, or distinction existed between any of the citizens, with the exception of a clause in the Constitution of the State of Maine, that none but a *native citizen* can hold the office of Governor —and this was enacted and adopted by the Democracy of Maine, while in power in that State—and the clause in the Constitution of Rhode Island requiring a small property qualification in the case of adopted citizens to enable them to vote.

The two great political organizations in America—the Republican and Democratic parties—have the foundation of their principles in direct opposition to each other. The one resting its principles in truth and justice; the other based upon oppression, intolerance and tyranny. The great moving principle of the Republican party had its origin and growth where the light of liberty first illuminated the dreary path of man in the New World. It was born amidst the shouts of the conquering armies of New England, as they planted the flag of the New Nation on Bunker Hill. It gained vitality and hope from the approving smile of the father of the Republic. With the development of religion, morality, education, patriotism and true chivalry, it has expanded until it stands forth the liberator of America—the hope of the oppressed of every land.

The Democratic party had its origin in opposition to the Federal Union, in denunciation of Washington and in support of Robespierre and the "Democratic Clubs." Its swaddling clothes were the bandages of human slavery. Its playing toys, chains and scourges. Its first utterances, commands and profanity. Its altar, the auction-block. Its statesmen were rocked in infancy by the hand chained to the cradle, and often suckled at the breast of the "Old Mammy" whose price gave them their first suit of clothes. Its votaries lent but sickly and unwilling support to the infant Republic. Its hosts entered into treason and assassination—draped the Nation in mourning—converted the land into a vast burying ground—incurred a burdensome debt, and well-nigh obliterated the American Republic from the family of nations. And still this party lives, and seeks to control the Republic. It may live in name, but the progress of the age must soon destroy its principles—at war as they are with the first laws of nature, and opposed to the fast-advancing spirit of liberty. Under the wholesome administration of Republican Government, the refining influences of religion, and the American system of Free Schools, this rebellious element, which has so many enemies of human freedom within its ranks who have so long afflicted the American people, must pass away, giving place to an organization in sympathy with the progress of the age and the natural rights of man. (For lists of Presidents and Presidential Elections, see Appendix; see also Chapters XIII and XIV.)

# CHAPTER XXX.

EDUCATION IN AMERICA BEFORE THE REVOLUTION.—FREE SCHOOLS FIRST ESTABLISHED IN NEW ENGLAND.—WHISKY, ITS COST AND INFLUENCE.—COLLEGES AND PROFESSIONAL SCHOOLS.—NUMBER OF COLLEGES AND SCHOOLS IN 1860.—NUMBER OF PUPILS, FOREIGN AND NATIVE.—LIBRARIES IN THE UNION.—NEWSPAPERS.—HISTORY OF.—NUMBER IN THE UNION.—CALIFORNIA ISSUES MOST PAPERS.

No subject or interest connected with the perpetuity of American Liberty should engage so much public attention as that of the education of the masses of the people. Republics, unlike Monarchies, have their existence in the virtue, patriotism, and education of the masses. A striking illustration of this fact was made manifest during the Rebellion of 1861–5. The Free States of America had encouraged the general education of all classes from the earliest period of the Government, while the Slave States had discouraged it.

As early as 1634, Thomas Prence, Governor of the Colony of New Plymouth, took deep interest in agitating a system of free schools in the Colony, and an establishment was effected. But no practicable public interest was taken in the subject until 1672, when, through the exertions of Thomas Hinckly, Governor of New Plymouth, in 1680, free schools were established by law in that Colony. Soon the system spread through the whole New England Colonies, where to this day it has gained popularity and strength, until it is the leading feature of American education.

The lack of such establishments at the South, and the stringent laws prohibiting the teaching of colored persons in the Slave States, is supposed to have

been a source of strength to the tenets of Democracy, as promulgated in that section of country. The history of the past plainly demonstrates that with the appearance of free schools Democracy, (as understood by the Secession party,) languishes, and either dies out, like the Aborigines of the country, or becomes converted to the philosophy of Republicanism. The depletion of the ranks of this class by the armies of the Republic during the late Rebellion, is but a prelude to the wholesale havoc made upon them by the free school system of the country now inaugurated at the South.

The establishment of a National Bureau of Education, extending the free school system to all the States and Territories in the Union, and making it *compulsory* upon all persons, of whatever age, color, or sex, who were unable to read or write, to attend such institutions, would be the surest method of perpetuating the liberties of America, and would, in a single generation, extinguish the doctrines as now advocated and practiced by the Democratic party, and prepare its members for a life of usefulness and a comprehension and appreciation of Republican Government. The Fortieth Congress (1868) looking to this object, appointed a commission to report the most practicable method of such a system, and have made appropriation for that purpose. Doubtless this measure, if ever presented to Congress for final action, would meet with violent opposition from the Democracy, who well know that the existence of their party is better secured by the "corner grocery" than by the school house. Throughout the whole country, wherever the Democracy have had an opportunity, they have opposed the free school system, and in portions of New York and Pennsylvania,

and in all the late Slave States to this day, they discourage these schools by all means at their disposal, and refuse to patronize them. Hence, with the evidence before us that the great body of the Democracy are opposed to free schools, that they opposed, and their last President, (Buchanan,) vetoed the Homestead bill, that they voted against any public aid to the Overland Railroad, and that they are, on general principles, opposed to education, progress, and freedom, it is fair to conclude that if the country ever has a system of schools that would "reconstruct" the Democracy, that it must be established by the Republican party. Any system of taxation, or the sale of the public domain to establish this needed institution, would in the end be a saving to the country. Indeed, such a plan of education is *indispensable*, particularly in Democratic districts.

A tax of one or two dollars per gallon on whisky for the maintenance of education, would afford a sufficient fund to extend free schools to the entire country. But doubtless such a proposition would meet with even greater opposition from the Democracy than did the Homestead bills or the Overland Railroad; for of all the "necessaries of life," whisky is the one upon which the Democracy cannot endure taxation. "Rump Congresses" and "Radical rule" may tax the bread that they eat, and the shoes they wear, but let them spare whisky. Doubtless the "tender feelings" of the Fortieth Congress were enlisted in this delicate subject when, immediately preceding the Presidential election of 1868, they reduced the tax on whisky from $2 to sixty cents per gallon. To this happy stroke of policy the Democracy may in a great measure attribute their success in carrying *seven* States out of the thirty-

four casting votes. The party carried but three States in 1864, so it will be seen that they gained *four* States, but two of these were members of the late Confederacy —Georgia and Louisiana—the others were New York and Oregon.

According to Democratic views, the country "groans under oppressive taxation." The great National debt, "incurred by the Radicals," is already more than they can endure. How could they, therefore, stand a tax on whisky for educational purposes? But let us see what rum and the Democracy are doing for the interests of the Republic.

The reports of Commissioner Wells to Congress, from the official and sworn returns of the retail liquor-dealers of the United States, show that the value of the liquors retailed by them annually is as follows:

| | | | |
|---|---|---|---|
| New York | $246,617,520 | Kansas | $ 8,503,856 |
| Pennsylvania | 152,663,495 | Louisiana | 48,021,730 |
| Illinois | 119,933,945 | Tennessee | 20,283,635 |
| Ohio | 151,734,875 | Georgia | 25,328,465 |
| Massachusetts | 27,979,575 | Virginia | 26,132,905 |
| Maryland | 40,561,620 | Alabama | 23,025,385 |
| Missouri | 54,627,855 | Texas | 21,751,250 |
| Indiana | 51,418,890 | South Carolina | 10,610,625 |
| California | 59,924,090 | North Carolina | 13,224,340 |
| Kentucky | 50,223,115 | West Virginia | 8,806,235 |
| Wisconsin | 43,818,845 | Arkansas | 7,858,320 |
| Michigan | 52,784,170 | Delaware | 3,770,355 |
| Iowa | 35,582,695 | Mississippi | 4,493,305 |
| Connecticut | 35,001,230 | Oregon | 4,261,240 |
| New Jersey | 42,468,740 | Nevada | 4,838,735 |
| Maine | 8,257,015 | Nebraska | 3,290,515 |
| Rhode Island | 19,234,240 | Colorado | 3,745,215 |
| New Hampshire | 12,629,175 | The Territories | 14,169,400 |
| Minnesota | 14,394,970 | | |
| Dist. Columbia | 10,376,450 | Total | $1,483,491,865 |
| Vermont | 6,786,065 | | |

The mere value of the liquors drank by the people in one year in the United States is, therefore, nearly fifteen hundred millions of dollars.

If to this is added the cost attending the manufacture from the time the ground is plowed for the corn, rye, or other articles from which it is manufactured, including the labor of every description, in men, animals and machinery, up to the moment that it enters the throat of the consumer, it will amount to at least fifty per cent. of the gross sales—thus making at least in *direct* cost the sum of $2,225,247,647, or a sum within a fraction of the total debt of the United States, which was on the 1st day of December, 1868, $2,645,711,164 54. Thus, it will be seen that if those who protest so loudly against taxation, hard times and oppressive "Radical rule," were to stop drinking spirituous liquors for *one* year, they would save to the country a sum sufficient to pay off the entire National debt.

But the figures above are not all that rum costs the people. The wives and children of many of the drinkers are rendered burdens of public charity, while many of the consumers and venders live lives of idleness, picking up a precarious living from the industry of the sober, and engaged in the commission of crime, for which expensive courts, jails, prisons, work-houses and hospitals have to be maintained; valuable time lost from useful employments and a general wreck of matter—physical and mental disease contracted—amounting in all to a sum not less per annum than the cost of the liquor, which in a grand total is not less than $4,450,500,000, or double the entire National debt, that *Rum* costs the Nation annually.

To know who upholds this traffic and inflicts the country with this oppressive burden, it is only neces-

sary to say, that in and out of Congress the Democracy are the champions of "Free Rum;" that seven out of every ten of the men and women engaged in the traffic in the Republic are Democrats, and while the same ratio exists as to those who drink the beverage over the counters of tippling-houses, let it be understood, that the capacity and endurance of the Democracy in the destruction of the fluid, is at least a hundred per cent. more than the average of other people.

With the establishment of free schools in New England came the necessity of establishing institutions of learning—the founding of colleges and universities. The progress made in this very important branch by the pioneer colonists, may be learned from the fact that previous to 1775, ten colleges and professional schools had been established in the Union; all these were still in existence in 1860. In 1791, there were twenty-one colleges and professional schools, including those already mentioned; the whole number of educational establishments in the Republic, in 1860, was 113,006, in which there were employed 148,742 teachers, giving instruction to 5,417,880 persons of native birth, and 252,091 foreigners, making a total of 5,669,164; of the foregoing institutions, 445 were colleges, with 54,969 students. There were of these, also, academies and other schools, except public scholastic institutions, 6,636, in which 455,559 pupils were instructed. The public schools numbered 106,915, and the number of scholars in them was 4,917,552. In 1860 there were in the Union 27,730 libraries, containing 13,316,379 volumes.

*The Newspaper Press.* — The Newspaper Press of America is the great conservator of the liberties of the people. Through the press the masses of the people

are brought into familiar contact with every public interest and public man. The legislative, executive and judicial proceedings of the Nation and of each State are kept constantly before the people—it is the current history of the times, wherein the shortcomings of political parties and of individuals are portrayed, and through which an avenue is kept open for the vindication of public interests and the redressing of public and private wrongs.

That the usefulness and sphere of the press is often prostituted to the base purposes of partisan interests, and is thereby often rendered a source of great corruption, both in public and private affairs, cannot be denied. The unprincipled and bigoted editor may, in some secluded cell, vent his personal or partisan spleen, and suppose he is safe from attack; but as the strong arm of the law shields the *individual*, so *popular opinion* shields *principles*, and stands as a sentinel at the door of the editorial sanctum to warn the offender.

The liberty enjoyed by the press in America is a sure safeguard to our political freedom; for no man, nor combination of men, however exalted the positions they occupy, can with impunity transgress the privileges and liberties of the people, and withstand the power of the press. Duplicity and fraud may be practiced in the private affairs of men; but when they are attempted in connection with public offices, they are exposed by the just interposition of that public monitor, the newspaper press, which possesses that freedom in America, which, while all the rights of the individual are secured, both the sphere and usefulness of the press are enlarged.

The history of the newspaper origin and growth in

the United States is one of interest. Like most of the institutions that have made us a great people, it had its origin in New England. The first printing press in America was purchased in England by the Rev. Jesse Glover, in 1628, eight years after the landing of the Pilgrims. Glover died a few days before the ship, upon which he was, reached America. The press was established at Cambridge, Massachusetts. The Academy that finally grew into Cambridge University had been already commenced; and the press alluded to, was used for the printing of pamphlets and books, among which were translations of the Bible into the Indian language.

This press was in operation for forty years, before any other was established in any of the other Colonies. Stephen Day, who came from London with Mr. Glover, was the first printer in America. Samuel Green, who succeeded Day, in 1649, was the second printer in the Colonies. In 1671, the general Government of the Colony ordered the publication of the laws. John Ushar, a bookseller, applied for permission to publish them on his own account; he procured the passage of an Act to prevent Mr. Green, or any other person, from publishing extra copies. This was the origin of copyright in America.

The first newspaper published in North America, was the *News Letter*, published at Boston, Massachusetts, in April, 1704, by John Campbell; the printing was done by Bartholomew Green; it was printed on a sheet about the size of foolscap.

The second newspaper in America was also published in Boston—the *Gazette*. The first issue was made in December, 1719, by William Brooker; it was printed on a half sheet of foolscap, by James Franklin, brother

of Benjamin Franklin. James Franklin was soon arrested and thrown into prison, for the conduct of his paper; during his imprisonment, his brother Benjamin's name was inserted in the paper, who continued its publication. This paper expired in 1727. James Franklin then removed to Rhode Island, and established, at Newport, the first paper published in that State.

The next paper in the Colonies was also established at Boston, in 1731, by Thomas Fleet—the *Weekly Rehearsal*. He also afterwards established the *Evening Post*.

More than twenty years had elapsed from the establishment of a newspaper in Boston, before one was published in New York. The *Gazette* was started in October, 1725, by William Bradford. It was printed on a half sheet of foolscap. Eighty years after the establishment of the *Gazette*, the New York *Weekly Journal* was commenced, by John Philip Lerger. Bradford gave up his paper, and it was soon issued by James Parker, under the title of the New York *Gazette and Weekly Post Boy*. The *Evening Post* was the next paper published in New York. Henry DeForest was the proprietor. The New York *Mercury* was commenced in 1752, and in 1763 the title was changed to the New York *Gazette and Weekly Mercury*. Hugh Gaines was the proprietor. Another paper, published by a Mr. Wyman, was established in New York in 1760, and called the New York *Gazette*. During the years 1761–2 the New York *Chronicle* was published, but soon died. Next came the New York *Pacquet*, in 1763; it was short lived. The New York *Journal* or *General Advertiser* was started in 1766, by Mr. Holt. In 1783 Holt resumed the publication of his paper, which had been suspended for some time. He issued

it under the title of *The Independent Gazette, or the New York Journal Revived.* In 1733 Rivington began his paper, under the title of *Rivington's New York Gazette, or Connecticut, New Jersey, Hudson's River, and Quebec Weekly Advertiser.* Shortly after this Rivington established the *New York Royal Gazette.* In 1783 he changed the name to *Rivington's New York Gazette and Universal Advertiser.*

I must here cease to detail the several newspapers, as they have made their advent into our country, and give a few figures showing the number now in the country and in circulation.

The rapidity with which the newspaper press finds its way into the Territories and new States, is a most remarkable feature of American civilization. Throughout the vast West, and the valleys and mountains of the Pacific Coast, wherever an hundred persons dwell, there will be established a newspaper. Nor are they confined alone to the English language, but are published in German, French, Spanish, and Italian; and in California, at least in one instance, an attempt has been made to publish one in the Chinese, and in Sitka one is published in Russian.

As early as the year 1775, 37 presses were in operation in the Colonies, and 40 at the beginning of the Revolution. In 1788 the weekly press emitted 77,000 copies, while the annual issue was upwards of 4,000,000.

There were in the Union in 1850, 2,526 newspapers, with an annual circulation of 426,409,978. In 1860 there were 4,051 newspapers, with an annual circulation of 928,000,000 copies. The annual receipts of a single leading paper had reached over *one million of dollars.* At the present day there must be at least 5,500 newspapers published in the United States; while

in Great Britain, in 1868, there are but 913 published in the whole Kingdom, as follows: London, 21 dailies, 28 weeklies, and 6 illustrated papers. (The first newspaper in Great Britain was published in 1588.) England, outside of London, 650; Wales, 43; Ireland 125; and Scotland, 140. The United States, with a population about equal to that of Great Britain, has 4,587 more newspaper presses than the whole Empire—more than *six* to *one*. Surely Republicanism conduces to an inquiry after information.

Of the 4,051 newspapers published in the United States in 1860, but 1,140 were published within the limits of the fifteen Slave States and the District of Columbia; while in the nineteen Free States then in the Union, there were 2,911 published. In the fifteen Slave States 63 religious newspapers were published, while in the nineteen Free States 214 of this class were published.

Of the 928,000,000 newspapers issued in the Union in 1860, there were but 178,900,292 of them issued in the fifteen Slave States, while there were issued in the nineteen Free States 749,099,708.

Some interesting facts will be found in an examination of the influence of the institution of Slavery, in retarding the progress of education and the circulation of reading matter for the masses of the people.

In 1860, the population of the State of Virginia was 1,596,318; her issue of newspapers at that time was 26,772,568. The population of Massachusetts, at the same time, was 1,231,066—365,252 *less* than that of Virginia; the newspaper issue of Massachusetts was 102,000,760. Thus, it will be seen that Massachusetts issued, with a population of 365,252 less than that of Virginia, almost *four times* as many in the aggregate as did the State of Virginia.

The population of Alabama in 1860, was 964,201; and that of California at the same time, was 379,994. Alabama issued 7,175,444 newspapers. California issued 26,111,788—almost four times as many as did the State of Alabama, notwithstanding that California had only a little over *one-third* the population of Alabama. If California had issued newspapers in proportion to her population, as compared with the issue of Alabama, instead of issuing 26,111,788, she would have issued only about 2,391,800 per annum.

The State of Virginia, "the mother of Presidents," and one of the original Thirteen Colonies, had, in 1860, a population of 1,596,318—almost *five times* as many as California, yet she issued only 26,772,568 newspapers—but a fraction more than California; whereas, if she had issued newspapers in proportion to *her* population, as did California in proportion to *hers*, she would have put in circulation about 130,500,000 per annum.

In 1860, the population of the seven Slave States of North Carolina, South Carolina, Texas, Florida, Delaware, Arkansas, and Alabama, was 3,952,836; while their total newspaper issue was but 27,763,254—a fraction over the issue of the State of California, with a population of only 379,994. Thus, these seven States had more than *ten times* the population of California; and if they had issued newspapers in proportion to their population, as did California, they would have issued about 262,000,000 per annum. Let it be understood, that while California stood almost equal with seven of the Slave States in the issue of newspapers, she had but *one-tenth* of their population, and ten years previous was a Mexican Territory, inhabited only by the Indians and wild beasts.

California, in 1860, with her little population of 379,994, issued almost as many newspapers as did the great State of Illinois, with her 1,711,951 inhabitants—the latter State issued 27,464,764 papers. Illinois had about four and a half times as many inhabitants as California, and if she had issued from her newspaper press in proportion to her inhabitants as did California, she would have made an annual issue of about 117,500,000, instead of 27,464,764.

The average issue of newspapers in the Union in 1860 was about thirty to each person of the whole population. The average in the Slave States was only about fourteen and one-quarter to each person, while in the nineteen Free States it was about forty to each person. The total issue in the fifteen Slave States was 178,900,292, while in the nineteen Free States it was 749,099,708.

The three Free States of New York, California, and Indiana, issued as many newspapers in 1860 as did the fifteen Slave States. The smallest issue was in the States of North Carolina and South Carolina. In those two combined the issue was less than five papers to each inhabitant per annum.

California took the lead of all her sisters. She issued about sixty-nine papers per annum for each of her inhabitants—29 per cent. more than the average of the Free States, and largely in advance of any State in the Union. Her newspaper issue in 1860 was, in proportion to her population, the largest of any State or country in the world. The increase from that time to the present (1869) has placed her far in advance of any part of the world.

In 1860 New York, Pennsylvania, and Massachusetts issued 539,026,124 copies, being more than half the issue of the whole Union.

# CHAPTER XXXI.

PRESIDENTIAL ELECTION OF 1868.—ULYSSES S. GRANT ELECTED PRESIDENT.—SCHUYLER COLFAX, VICE-PRESIDENT.—HORATIO SEYMOUR AND FRANCIS P. BLAIR DEFEATED.—REPUBLICAN AND DEMOCRATIC CONVENTIONS.—VOTES CAST FOR EACH PARTY.—JOHNSON'S AMNESTY PROCLAMATIONS.—BIOGRAPHICAL SKETCH OF GRANT.—"UNCONDITIONAL SURRENDER."—"FIGHT IT OUT ON THIS LINE."—HOW PRESIDENTS ARE ELECTED.

THE political affairs of the Republic during the year 1868, were intensified by the excitement incident to the Presidential election. Since the election in 1864, changes greater than had taken place at any period of the Nation's history had transpired. Within that period the Southern Confederacy had expired, the whole rebel forces had surrendered, and the supremacy of Federal authority had been established over the entire South. Abraham Lincoln had been assassinated by Democratic conspiracy. The Vice-President, Andrew Johnson, became President; had abandoned the party and principles of the party by which he had been elected; had defied the Federal Congress and the people by assumptions of dictatorial authority over the Legislative department of the Nation, and had been put on trial under charges of impeachment for high crimes and misdemeanors. The Southern States, with the exception of Virginia, Texas and Mississippi, had adopted Constitutions in harmony with the spirit of Republican government, and had returned to the Union. The Federal Constitution had been amended, extending civil rights to the masses, and enlarging and increasing the rights and numbers of voters throughout the country. The army and navy had been re-

duced to a peace footing, and the country was generally prosperous and tranquil. A great addition had been made to the territorial area of the Nation, by the purchase of Russian America (Alaska), and negotiations almost completed for the purchase of the Islands of St. John's and St. Thomas, in the West Indies. Throughout the Union the people generally were well disposed toward the late insurgents. Nebraska had been admitted a State into the Union. New guarantees had been obtained from European nations respecting the rights of adopted citizens of America abroad. Security and confidence were felt in the National Congress to adjust and establish the political affairs of the late rebel States upon the principles of Constitutional Freedom. The great overland railroad, connecting the Atlantic and Pacific States, which had been projected in 1862, had so far advanced as to reduce the time of travel between New York City and San Francisco to ten days. (This road will be completed and trains running direct between San Francisco and New York, in the summer of 1869.) Rich discoveries of mineral wealth in the Pacific States and Territories, together with abundant harvests and active employment at increased prices for labor, had added materially to the wealth and prosperity of the country. The passage of a law making eight hours a day's labor in all employments of the Federal Government, with a clear working majority of the liberal party in both branches of the National Congress, with increasing majorities in the State Legislatures in favor of the policy of Congress in reference to the reconstruction of the late rebellious States, inspired the friends of freedom with hope for the complete overthrow of the heresies of the Democracy, and the permanent estab-

lishment of governments in every State in the Union in conformity with the requirements of the Constitution and the progressive spirit of the age.

As the time for making nominations for the Presidency approached, the interests of the people to maintain the reins of government in the hands of the party that rescued the life of the Nation from the Democracy, became manifest. The Republican party which had had control of the Government since the spring of 1861, had in addition to their salutary laws and constitutional enfranchisement of a large class of American citizens, achieved military victories over the Southern Democracy, equaled only by the emancipation of four millions of Americans by the Proclamation of Abraham Lincoln. Thus, standing as the representative head of the progressive masses of the Nation, it was thought that a certain and easy victory would carry the party again triumphantly over the Democracy, who now, encouraged by the apostacy of Andrew Johnson to the party and principles by which he was elected, and his assumptions to extend governments to the conquered States in defiance of the National Congress, without demanding any repentance for the past or guarantees for the future, became defiant of Federal authority, and once more the Democracy—late rebels in arms, "anti-coercionists," "neutrals," and every shade of the Democracy—rallied to the support of the "time-honored principles of the Democratic party," (whatever they are) and entered upon the campaign with great activity. The verdict of the people against them in 1864, when out of the twenty-five States then represented they carried but *three*, and two of them Slave States, did not seem to be a wholesome warning to them that the liberty-loving people of the

Republic wanted no more of the heresies of the party —but this time they expected the coöperation of Davis' late subjects in the eight rebel States returned to the Union.

The Republican National Convention met at Chicago, Illinois, on the 20th of May, 1868, and nominated by acclamation for the Presidency, Ulysses S. Grant, the leader of the victorious armies of the Republic.

Ulysses S. Grant was not merely the nominee of the Chicago Convention, for almost a year before that body assembled he was the acknowledged choice of the entire Republican party, and the Convention but ratified and gave practical shape to the will of the people in their choice. The names of other illustrious patriots had been mentioned prior to the meeting of the Convention at Chicago, but all eyes were directed towards the bright star of hope, victory, and liberty, that in the darkest nights of the Nation's trials had lit up the Southern sky, beneath which marched the mighty and conquering Army of the Republic. To this modest American, with his calm and steady purpose, unfaltering patriotism and devotion, combined with his matchless military skill, more than to any other man, is America indebted for her safe issue from the terrible crusade of the Democracy; and he is a fit subject, in the hour of National greatness and repose, to receive from the hands of a generous and freedom loving people, the highest civil office in the Nation; and as they had proclaimed him the chief of the conquering armies of freedom, so well might they add to his exalted military fame the honors conferred upon the first military champion of America, so that in civil honors the three great names of America's patriots—Washington, Lincoln, and Grant—may stand forth in equal lustre, the pride of every lover of human freedom.

The Convention at the same time nominated for the Vice-Presidency Schuyler Colfax, of Indiana, for many years past Speaker of the National Congress, and one of America's patriots, fully imbued with the spirit of progressive Republicanism; a warm friend and zealous supporter of the rights of the adopted citizen at home and abroad. He was a warm advocate of the Homestead bill, extending to actual settlers 160 acres of land at twenty-five cents per acre. This bill, it will be remembered, was vetoed by the last of the Democratic Presidents, James Buchanan, because it was, he said, *unconstitutional.*

The Democratic National Convention met at New York city, on July 4th, 1868, where, after three days' struggle between the champions of the various wings, a nomination was effected. Horatio Seymour, of New York, was nominated for the Presidency. Mr. Seymour had strong claims upon the Democracy. He did not go South, it is true, to assist that wing of his party, but he did service fully as important. He was Governor of the State of New York during the war, and to his vigilance is the party indebted for his opposing the recruiting of soldiers for the Union Army, and his bland acquiescence in the riots, arsons, and other "little operations" of his party. He has been a "life long Democrat," and doubtless would have served his *party* with fidelity in whatever position they might have placed him. (The reader is referred to a letter from George N. Sanders to this Democratic apostle, in another chapter of this volume.)

The nominee of the Convention for the Vice-Presidency was Francis P. Blair. Mr. Blair's only claims upon the party that nominated him were his failure to inflict any punishment upon them while he held a

General's commission in the Union Army during the Rebellion, and his apostasy to the Union party and the principles of constitutional freedom.

The New York Convention presented a more rebellious aspect, if possible, than did the Convention of the same party at Chicago, in 1864. This time a desperate effort must be made to save the life of the tottering Democracy. Eight years before the whole party were expelled from the public manger, where they had fed themselves and families for five generations. Eight long and weary years deprived of public patronage, had worn the party threadbare. The old Democratic nag, upon whose back had been packed so many shapeless but oppressive burdens, presented a sad spectacle. The good old days of public plunder had departed. The Government *poorhouse* no longer afforded him shelter. Long had he wandered a miserable fugitive, and in the pitiless peltings of winter's storm, plucked the short grass and tasteless stubble upon the dreary solitude of Democratic disappointment. Often had he, in the darkness of night, lost the last ray of light from the star of hope, which flickered fitfully, like a will-o'-the-wisp, as Sherman was "marching through Georgia." More than once had he, as all hope of the "cause" died out, wended his way with drooping mein and jaded step toward the slough of despond, from which he was rescued by a ray of light from the camp-fires of the "faithful," who still, amidst disaster, trimmed the dim lamp of Democratic faith, or by the friendly hand of some "conservative" brother of the North, was led back to the green pastures of hope.

Ancient Democratic fossils, who were wont to toy with the public funds, could but look upon the National treasure, piled upon the counters passing through the

hands of honest men to disburse the public expenses, and sigh for the good days of the past. And now, in the agony of despair, they turned their rebellious and melancholy countenances toward Andrew Johnson and the cotton fields of their "brethren" of the South for aid. And once more rallying under the standard of State Rights, the seedy Democracy of every shade, from the shores of Maine to the Pacific States, the far West, and from the miasmatic swamps of the Slave States, wended their way to the Mecca of Democracy (New York) to tell their sad stories of usurpation and wrongs inflicted upon them by the Abolitionists and "Radicals."

Those of the North had suffered much, but it was the "Southern brethren" who had, in the sweat and toil of the day, beheld the "cause" expire. Emaciated forms, whose well saved hose were a mile too wide for their shrunken shanks, and whose eyes had not feasted upon a slave pen or "chattel" auction since the spring of 1865, came up from the low lands of Alabama and the Carolinas to lay their palms, yet moist with the blood of Union patriots, in the loving embrace of their brethren of the North, and to recount to them their achievements in the persecution of Yankees during the war, and of their confidence of success in the future, if only aided by their party in the Free States. Leaders of guerrilla bands, bushwhackers, and rebel Generals were there, that the "faithful" from the far West might touch the bloody hem of their garments, and look into the red eye of treason.

Many of these "illustrious gentlemen from the South" were under the ban of disfranchisement for their treason and murder; but a bright sky was soon to illuminate the rebel camp. Up from the Capital of the Nation came the written pardon of him who was

yet unpardoned by the expressed sentiment of a vast majority of the American people. This order of restoration from the Executive (Andrew Johnson) was the signal for unbounded joy, and a "flow of soul," unequaled since the days of the massacre at Fort Pillow, was now experienced, under the pressure of which a platform was constructed upon which the nominees were to stand.

The two parties having adopted their platforms and presented their candidates to the people, entered upon an active canvass of every State in the Union. The candidates of the Republican party needed no introduction to the American people. Ulysses S. Grant had, at the head of the Army of the Republic, achieved not only a reputation at home and abroad as the greatest living military commander, but had, in addition, placed himself high in the favor and confidence of the people by his opposition to the heresies of Andrew Johnson, and his well known love of the principles of constitutional liberty. Indeed, but one man had been looked to by the people to head the Republican ticket and achieve a victory over the Democracy. That man was U. S. Grant, who since the tragic death of the lamented Abraham Lincoln, had filled a larger place in the affections and confidence of the people than any other man in the country.

Schuyler Colfax, the candidate for the Vice-Presidency, had for many years held a high place in the affections of the people. His position as presiding officer of the National Congress, to which he had been repeatedly elected, afforded him opportunity to exhibit his genial nature, his knowledge of National political affairs, and above all, his love of human liberty, and his attachment to the principles of Republican Gov-

ernment, as established by the Declaration of Independence and the Federal Constitution.

With these champions of liberty as their candidates, the Republicans came before the people, assured that those who had sustained them and the principles of human freedom and American Nationality in the past, would not desert them when another victory over the recreant Democracy was all that was wanting to consign the wretched doctrines of that party, with its leaders, to perpetual obscurity; nor were they disappointed in this.

Contrary to the usual custom, the Republican candidates did not take the field in person to advocate the principles of the party, but maintained a continued silence upon public issues; while the liberal press and the orators of the country entered upon a most vigorous vindication of the principles of the party, which was violently assailed by the Democracy.

The Republicans had upon their side the prestige of the victory of the late war, together with the successful establishment of Federal authority over that section of the Republic which never enjoyed a form of government in conformity with the Constitution and the principles of Republican Government, until "reconstructed" by the National Congress.

The Democracy went before the people with candidates comparatively unknown. Seymour could not be expected to draw to his support any strength from the mass of the people who advocated and aided a prosecution of the war. Francis P. Blair, a renegade from Republicanism, had no place in the affections nor confidence of the people, and all that could be expected was, that the candidates would receive the straight vote of the Democracy, upon general principles, *without a scratch*—which they did.

No claim could be made by the Democracy to a share in the National legislation that established Federal authority over the rebellious States and gave equal rights before the law to all persons without distinction. And most of those of their party who had coöperated with the Republicans in carrying on the war, had long since returned to their ranks. Their banners were not gilded with the glory of victory over oppression and intolerance, nor their writers and speakers inspired with the spirit of progressive liberty; and now, as a last hope, the old stock of the party—prejudice and passion—had to be resorted to, in order to rally every shade of Democracy, from Gen. Forrest to Horatio Seymour, under a common flag, to wage war against the progressive party. The enfranchisement of the freedmen by the Republicans became the great hobby of the party, who hoisted "White man's Government," as their motto, declaring that they would die in the "last ditch," before they would be *ruled* by "niggers" and Radicals, against whom they charged unconstitutional usurpations in *forcing* upon the people of the Sovereign States, governments Republican in form; so that the only stock in trade of the party—the only *inducement* to offer the public to influence them to vote for their candidates—was "Negro Supremacy," "Radical Usurpation," "Rump Congress," and "Oppressive Taxation." But all was ineffectual. The fall State elections began to exhibit increasing Republican strength. Eight of the late rebellious States were now in the Union, and upon them the Democracy relied for strength in the hour of need; they could count with safety upon the unreconstructed Democracy of these regions, but the vote of the Freedmen could not be relied upon.

Election day came November 3d, 1868; and as in 1860 and 1864, so now the Republicans, for a third time in succession, gained a glorious victory—more complete and universal than any political victory of the Nation. Out of thirty-four States they carried *twenty-six*, while the Democracy carried but *eight* in all, five of which were Slave States at the beginning of the Rebellion in 1861; the other three—New York, New Jersey and Oregon—being the only ones of the former free States carried by them, and these by exceedingly small majorities. New York, by 9,224, New Jersey, 2,633, and Oregon, by 163; while the Republican majority in South Carolina was 9,900—almost as large as the entire Democratic majority in the entire former Free States of the Republic.

Out of 294 votes in the Electoral College, the Democracy got but 80, while the Republicans received 214—a majority of 134. But the victory of twenty-six States out of thirty-four, and 214 electoral votes out of 294, were not the only victories gained by the Republicans; for they had gained a civil victory over six of the States lately in rebellion, second in importance only to the great military victory of April, 1865.

Tennessee, North Carolina, South Carolina, Florida, Alabama, and Arkansas, disenthralled from the plague of Democratic rule, had cast their votes upon the side of Freedom for the first time since the settlement of the country, in 1607. And these States, together with Missouri and that part of Virginia now West Virginia—making eight States upon the territory dedicated to Slavery by the Democracy at the breaking out of the Rebellion, and now embracing the blessings of Republican Government and renouncing the heresies of the discomfited Democracy — was a withering re-

buke to the party of political and religious proscriptions, and a vindication of the great truths advocated by the Republican party, of the equality of all men before the law, and the right of all men to worship God according to the dictates of their consciences.

At the election in November, 1868, the States of Iowa and Minnesota, by vote of the people, amended their State Constitutions by striking out the word "white" in the qualification for electors—thus adopting universal suffrage, notwithstanding the motto of the Democracy of "White man's Government"—Iowa giving 53,000 and Minnesota 5,000 majority for the Republican ticket.

It is but fair to conclude, with the evidence of the past eight years before us, and the rebuke received by the Democracy from the masses of the voters of the country in the three last Presidential elections, that while that party may obstruct good order and civil and religious freedom in localities where its members are in the majority, their power and influence as a national party no longer exist; and that before a President is elected by any other party than the Republican, a new political organization with new principles and a new *name* must do it, and not the Democratic party. (For Election Returns, see Presidents, Appendix.)

The Amnesty Proclamation of Andrew Johnson, of the 4th of July, 1868—issued ostensibly for the good of the country, but in *reality* to strengthen the wavering ranks of the Democracy—extended full pardon to all rebels who at that time were not "under presentment or indictment in any Court of the United States having competent jurisdiction, upon a charge of treason or other felony," and who were not excepted by the

Fourteenth Amendment to the Federal Constitution. This was followed by a still further proclamation, on December 25th, 1868, extending full and unqualified pardon and political rights to *all* who had participated in the late Rebellion. Following is the proclamation:

"WHEREAS, The authority of the Federal Government having been re-established in all the States and Territories within the jurisdiction of the United States, it is believed such Presidential reservations and exceptions as at the date of said several proclamations were deemed necessary and proper, may now be justly relinquished; that universal amnesty for participation in said Rebellion, extended to all, will renew and fully restore confidence and fraternal feeling among the whole people, and their respect for and attachment to the National Government designed by its patriotic founders for the general good:

"Now, therefore, be it known that I, Andrew Johnson, President, by virtue of the power vested in me by the Constitution, proclaim and declare, unconditionally and without reservation, to all and every person who directly or indirectly participated in the late insurrection or rebellion, full pardon and amnesty for the offense of treason against the United States, or adhering to their enemies during the late war, with the restoration of all rights, privileges and immunities under the Constitution and the laws which have been made in pursuance thereof. In testimony whereof, etc."

This proclamation and the one of July 4th are, however, controlled by Section 3, of the Fourteenth Amendment to the Federal Constitution, which says:

"No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States or any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each house, remove such disability."

Johnson's Proclamation, under the first Article of Section 2, of the Constitution, which says, (in reference to the powers of the President): "He shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment," would have the effect of restoring all the late insurgents to full and equal political rights; but the third section of the Fourteenth Amendment makes certain reservations beyond which the Executive cannot go, as the disabilities there prescribed can be removed only by the means pointed out in the article itself, to wit: the Congress of the United States.

The history of man presents but few cases of such almost marvelous advance from poverty and obscurity, as does the promotion of Ulysses S. Grant, elected President of the United States, November 3d, 1868—from his father's tan-yard to the highest military and civil position in the gift of the people.

The history of the three last Presidents of America—Lincoln, Johnson and Grant—shows that from the rail-splitter, tailor, and tanner, in preference to the wealthy and aristocratic, Republican citizens chose their public servants.

Ulysses S. Grant was born in the State of Ohio, on his father's farm, near the Ohio River, April 27th, 1822, where, until his seventeenth year, he performed all the drudgery of a country life about his father's farm and tannery, receiving but a limited education in a common school. He entered the Military Academy at West Point, June 10th, 1839, and graduated 21st on a list of 39, on June 30th, 1843; when he was appointed a Brevet Second Lieutenant in the army, in which position he entered the Mexican War, in 1846. Soon after, he was appointed First Lieutenant, and

acted as Quartermaster of the Fourth Infantry. In 1852, he was ordered to the Pacific Coast, remained a few weeks at Benicia, Cal., when he went to Fort Vancouver, Washington Territory, where he spent about one year. In August, 1853, he was appointed a Captain. He resigned his commission in the army, July 31st, 1854, and returned from the Pacific to the Atlantic States, and commenced farming upon sixty acres of land given to his wife by her father, near St. Louis, Missouri. Here he endured all the hardships of poverty and hard labor, building the little house in which he lived, and splitting the shingles with his own hands; and when not engaged on his farm, which he named "Hardscrabble," he cut and hauled firewood into St. Louis, a distance of nine miles, walking by the side of his team the entire distance, while they drew the heavy load which he sold in the city as best he could, returning joyously to his beloved wife and little ones with the price of his labor. But this occupation was not very lucrative; and on January 1st, 1859, he formed a partnership with H. Boggs, of St. Louis, as "General Agents"—collecting rents, and acting as brokers in such business as they could get to do. The copartnership and business exploded in nine months, leaving Grant destitute and out of employment. He next obtained a position for one month in the Custom House, at St. Louis. Out of employment, he next made application to the Common Council of St. Louis for the position of County Engineer (to repair roads), but failed to receive the appointment.

Abandoning St. Louis and "Hardscrabble," he moved to Galena, Illinois, and with his family took humble quarters and entered into the employ of his father and brother in their tannery, at a salary of

$600 per year. In his new situation, he worked with his leathern apron, in shirt-sleeves, generally doing the work of a laborer or porter, handling hides and making himself "generally useful"—as obscure and unknown as his humble position and modest nature naturally would make him. In this position he remained until armed treason assailed his country, when he bade adieu to his wife and little ones, and tendered his services to his country.

His obscurity and poverty were sad barriers in the road of his receiving a commission; and not until replenishing his wardrobe with a few dollars borrowed from a friend, and many vexatious delays, he, by accident almost, received on June 16th, 1861, a commission as Colonel of an Illinois volunteer regiment. From that period, the star of his success and glory began to ascend. Soon (August 7th, 1861) he was appointed a Brigadier-General of Volunteers; and for his great victory at Fort Donelson, February 16th, 1862, he was appointed, on February 20th, 1862, a Major-General. On the 29th of February, 1864, Congress revived the grade of Lieutenant-General, to which Grant was appointed March 9th, 1864. Congress, on the 25th of July, 1866, established the grade of *General* of the Army. Immediately on the passage of the Act, President Johnson nominated Ulysses S. Grant for the position, which was at once confirmed by the Senate, and Grant was appointed to the highest military command in the Nation, and became the first *General* since the adoption of the Constitution. Ascending still further up the ladder of fame, the American people, at the election on the third of November, 1868, almost unanimously elected him to the highest position in the Republic — President of the United

States of America; his term of office commencing on March 4th, 1869.

One of the memorable acts of Gen. Grant's life, and one which has brought him familiarly before the Nation, was his determined stand taken before Fort Donelson, and his reply of "*unconditional surrender*" to the rebel General in command.

On February 16th, 1862, Gen. S. B. Buckner, in charge of the Fort, seeing his inevitable doom as Grant's army was approaching, sent a communication under a flag of truce to General Grant, asking the terms of capitulation, upon which he would receive the forces under his command. To which Grant made the following reply:

"HEAD-QUARTERS ARMY IN THE FIELD,
"Camp near Donelson, February 16th, 1862.

"*General S. B. Buckner, Confederate Army:*

"Yours of this date, proposing an armistice and appointment of Commissioners to settle terms of capitulation, is just received. *No terms except an unconditional and immediate surrender can be accepted. I propose to move immediately upon your works.*

"I am, sir, very respectfully, your obedient servant,
"U. S. GRANT, Brig.-Gen."

Buckner, appreciating the tenor of this business-like reply, surrendered; and the stars and stripes in a few hours floated over Fort Donelson, while Buckner and his army were made prisoners.

"*I propose to fight it out on this line if it takes all summer.*" This was the concluding sentence of a communication written by Gen. Grant to Mr. Stanton, Secretary of War, on May 11th, 1864, when Grant had planted himself before the doomed City of Richmond, and on that line he did fight it out until April 2d, 1865, when the stars and stripes floated over the rebel capital; and he did not cease until at Appomattox

Court House, Virginia, on the 9th of April, 1865, he brought the rebel army to a halt, and received Robert E. Lee and his whole army as prisoners of war.

How Presidents are Elected.—The manner of electing the President and Vice-President of the United States is defined and regulated by the Federal Constitution and Federal laws.

In each State a number of persons, equal to the number of Senators and Representatives to which the State is entitled in Congress, are selected by a convention or by some other mode; these are called "Presidential Electors," and compose what is termed the "Electoral College." On the first Tuesday after the first Monday in November, once in four years, a Presidential election is held in every State in the Union, when the names of these electors are voted for. This election is held on the same day in every State in the Union. (Florida, in 1868, elected her electors by her State Legislature.)

The Constitution provides that the electors, chosen in such manner as the Legislature of each State may prescribe, shall meet in their respective States and vote by ballot for President and Vice-President. At the meetings known as "Electoral Colleges," the electors are required to make lists of the persons they vote for, and the number of votes cast for each, which list they are required to sign and certify, and transmit sealed to the President of the Senate of the United States, at the seat of Government. That officer is required to open these certificates in the presence of the Senate and House of Representatives, and the votes are then to be counted, and the person having the greatest number of electoral votes for President, if such number be a majority of the whole number of

electors appointed, is declared to be the President; and so of the Vice-President.

An Act of Congress of March, 1792, which fixed a uniform time for the holding of the Presidential election throughout the country, also provides for further details. It requires the Executive authority of each State to cause three certified lists of the electors chosen by said State, to be made out and delivered to the electors on or before the first Wednesday of December next after the election; and that said electors shall meet and give their votes on the said first Wednesday in December, at such place as the Legislature of the State shall direct. The electors vote by ballot, and are required to make three certified lists, which shall be signed by all the electors, with a certified list of the electors attached to each. These are then to be sealed up in three separate packages, and a further certificate indorsed on the envelop of each, signed by all the electors, stating that the package contains a list of the votes of such State for President and Vice-President.

The electors are then required to appoint and commission a person to take charge of and deliver one of the said certified packages to the President of the Senate, at the seat of Government, on or before the first Wednesday in January next ensuing; they are further required to forward another of said certificates by mail to the President of the Senate, and the third is to be delivered to the Judge of the district in which the electors are assembled. These and other minute provisions are made to guard against the possible loss or failure of a certificate. In order to have certainty as to the counting of the votes so forwarded, Congress is required to be in session on the

second Wednesday of February succeeding every meeting of the electors, on which day the certificates are to be opened in the presence of both Houses, and the result declared as already stated.

If, on counting the electoral votes it is found that no person has a majority of all the electoral votes cast by the electors, then from the persons having the highest numbers not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. The votes shall be taken by States; the representation from each State having one vote—a quorum for this purpose consists of a member or members from two-thirds of the States, and a majority of all the States is necessary to a choice.

If the House of Representatives fail to choose a President, when the choice falls upon them, before the first day of March next following, then the Vice-President shall act as President, as in the case of death or other disability of the President. The Vice-President is elected, in all respects, in the same manner as the President, except that if the election devolves upon the House of Representatives, they select only from the *two* having the highest numbers, as candidates.

But twice since the formation of the Government, has it devolved upon the House of Representatives to elect a President, which was in the year 1801, when the vote in the Electoral College was as follows: Thomas Jefferson, 73; Aaron Burr, 73; John Adams, 65; Charles C. Pinckney, 64, John Jay, 1. On the thirty-sixth ballot, Jefferson was elected President, and Burr Vice-President. And again, in 1825, when the vote in the Electoral College stood as follows: Andrew Jackson, 99; John Quincy Adams, 84; Wm.

H. Crawford, 41; Henry Clay, 37. No one having a majority of *all* the votes cast as required by the Constitution, the election was carried to the House of Representatives, where John Quincy Adams, although not the highest on the list in the electoral vote, was elected President.

## CHAPTER XXXII.

THE NEW NATION.—PROGRESS OF REPUBLICANISM.—INFLUENCE OF POLITICAL PARTIES.—ELECTIVE FRANCHISE.—"WOMAN'S RIGHTS."

THE American Nation, as it was when the Rebellion began, April 12th, 1861, and when it ended, April 14th, 1865, presents striking features of dissimilarity. The radical changes brought about by the operations of the war, had completely transformed the *quasi* Republic into a Government of acknowledged supremacy and indestructibility.

From the first settlement of the country to the close of the war the Southern portion of the Nation, where Slavery had existed, had never affiliated with the doctrines of equality of the American people before the law, as comprehended in the Federal Constitution and the Federal laws. The interests, education, and customs of these people were not calculated to inspire a love of liberty, or a just appreciation of the growing sentiment of universal freedom prevailing at the North. In the Free States laws and State constitutions were adopted in harmony with the spirit of the Federal Government, while at the South constitutions and laws were shaped to conform to the idea of the sovereignty of the States, and the classified and proscribed condition of the people. In the Free States, as a rule, they admitted *all citizens* to a participation in the affairs of the State; all were eligible to hold office and discharge any duty, if *a voter;* while in the Slave States they disfranchised many of their citizens, imposing

burdensome impositions in the way of large landed and other property qualifications to enable them to hold office. (See State Constitutions.) Not only was it necessary, in many cases, to own land and other property, but in some cases it was absolutely necessary to own *men* in order to enjoy the highest offices within the gift of the people. Under these circumstances it is not surprising that the tendency of legislation was to promote the interests of those in power, while the interests of the masses were entirely ignored.

The Government of the States and the representatives in the National Councils were confined to a few families, who under the belief that they were born to rule, became aristocratic and domineering. The lines of *caste* growing out of these circumstances, and the condition of Slavery, were well defined and strictly practiced; indeed, the *royalty* brought from England with their ancestors, had undergone but little change, and the fact of their having among them not only the feudal customs of their fathers, but the absolute ownership of men, made them arrogant and domineering. Four million Americans (colored) were held as merchandise in the Slave States of the South on the breaking out of the Rebellion; and beyond all doubt this state of affairs was the cause of the Anti-Republican tendencies of that section of the Nation, and the primary cause of the pretentious claims of these States to sovereign powers.

While things had thus existed at the South, throughout the North, including the New England and Middle States, with the new States admitted into the Union as Free States since the Revolution, progress and reform had gone steadily on, with a few minor exceptions, that completely broke down the barriers of

prejudice and religious bigotry which had characterized many of their actions at an earlier period of their history. In a word, as a rule, all the Free States were *Republican*, while all the *Slave States* were eminently *Anti-Republican.*

The legislation of the *States* could be conducted with harmony, but when the representatives of all the States went up to the National Councils, this could not be done, for there the opposite conditions and interests of the States were brought into contact. The whole country was called the Republic of America, but in fact it was *two* nations, with interests as opposite as day and night. The people of the Free States regarded the country as a *Federal Union;* the people of the Slave States as Confederated States, each of which maintained its original sovereignty and status as a *nation.* In the Free States the most liberal aid had been extended to the education of every child within their limits; while at the South no public aid was given in this direction, or if given, was confined to certain *classes*, and in many of them most stringent laws, with penalties extending to death, were passed, prohibiting the teaching of certain classes, or even selling them or giving them any book, paper, picture, device, or sign by which the mind could be enlightened.

The Slave States had, in all that tends to elevate the race, or inspire a love of freedom, stood still. They had not progressed one step since the settlement of the country. Every nation of Europe had far surpassed them in the march of liberty. Jealous kings and despots across the water had seen many changes. The masses of the people were slowly but surely encroaching upon their thrones. Inch by inch did they move upon the barriers that had disfranchised them.

From a feeble voice the great popular heart of the people swelled into thunder tones for broader liberties. The Czar of Russia responded by a complete emancipation of all his serfs. No slave could breathe the air upon a foot of British soil in any quarter of her widespread domain. Gladstone, Bright, Mill, and other friends of liberty, at the head of millions of her subjects, demanded more liberty, and her Britannic Majesty came to the throne and advised a more humane policy, and extended, in part, the birthrights so long withheld from them. Garibaldi and Mazzini were leading Italian patriots closer to freedom. Poland had made giant struggles to liberate herself from Russian domination. German Kings and Princes, under the philosophy and teachings of their statesmen and scholars, were relaxing their rule. On the shores of barbarous Africa, the little Republic of Liberia had cast the anchor of hope, and introduced the philosophy of equality to all men before the law. The freemen of Andora and Switzerland looked from their ærial habitations and rejoiced in increasing liberty. On the American continent, Mexico had almost a half a century since abolished Slavery. Brazil had relaxed, in a degree, the chains of her bondmen, and extended free school privileges to the masses. The Republics of South and Central America had broken down Spanish despotism, and were struggling for enlarged freedom. Australia, from a condition of chaos, developed into a land of civilization and partial political freedom. The islands of remote seas no longer terrified the mariner, as in his dreams he beheld the native perched upon the unfrequented shore, gnawing the skull of a captive. The civilizing influences of Christianity, the philosophy of the arts, education, and industry of America and

Europe were penetrating the dark and benighted recesses of Asia, and closing in upon the abominations of Buddhism. Caste, and religious and political proscriptions were giving way throughout the greater portion of the world. Slowly but surely man was ascending to that degree of universal freedom which is the destiny of the race. But in the Slave States of the American Republic not only were the bonds of Slavery held firm, but science and education were employed to prove the *divine* right of perpetuating the enslavement of men. Thus did the Slave States of America present the most melancholy spectacle of barbarism in existence; and so wedded were those in power to their idol, that when they conceived it to be in danger from a contact with freedom, they resolved, even at the destruction of the Nation, and the death of civil and religious liberty, not only in America, but throughout the world, to enter upon a most gigantic war, accompanied with assassination, arson, and murder, in order to define its limits and perpetuate its existence.

Thus situated the clash of arms came. The struggle for liberty ended in victory. The sacrifices were terrible. More than *six hundred thousand men perished in the conflict*, but the survivors of the victorious legions stood upon the crumbling walls of despotism, and as the chains fell from the limbs of four millions of human beings, proclaimed, in thunder tones that shook the Nation, *America is Free!* Thus with a final blow the evil spirit that had well-nigh destroyed the life of the Republic, had been cast out, and as if by enchantment, a new nation stood forth upon the ruins of the greatest slave mart of the world—a nation upon whose soil no son of man can live a slave as long as liberty finds a resting place in the breasts of men.

The mighty struggle that produced freedom in America determined that a *nationality* exists; that human freedom is a power that cannot be confined by arbitrary rule, where free schools, liberty of the press and of speech are enjoyed by the masses; that all men are equal before the law; that the right of one man to own another is a heresy; that all men are by nature free; that the perpetuity of the American Republic is based upon the education, virtue, patriotism, and universal freedom of its people; that the citizens of Republics, when they take the sword in defense of their liberties, are invincible; that the tendencies of the race throughout the world are toward universal freedom, and equal protection and equality before the law, and participation in the making of the laws by which they shall be governed.

The Nation that sprang from the ruins of the late Slave States is not only the freest, but the most powerful of the Nations of the earth. Her people are *all soldiers;* at the sound of alarm from within or without, the whole Nation is improvised into battalions and regiments. Her soil can never be successfully invaded; her vast plains, mountains and forests, would be a burying ground for all who should enter upon her territory with hostile intent. She is also the most magnanimous Nation in the world. No sooner had the smoke of battle cleared from the fields of the assailants in the late conflict, than she supplied the needy with food and raiment. And, relying in her strength, she has not asked sacrifice of her captives, but has set an unprecedented example of forgiveness and humanity, by granting *universal amnesty* to all political offenders, and even to those whose deeds of cruelty placed them beyond the pale of mercy.

Thus, lifted above the plague of Democratic rule, America takes her position in the first ranks of national powers. The barbarism of past ages which had obscured the light of civil and religious liberty in fifteen States of the Union, has by the operations of the late war, the Proclamation of Emancipation, the volunteer abolition of Slavery by the States of Kentucky, Maryland, and Delaware, and the amendments to the Federal Constitution, been obliterated.

The heresies of the sovereignty of the States, and the Democratic doctrine that "there is no power under the Constitution to *coerce* a State about to secede, or that has seceded from the Union," have been exploded by the *people* of the Republic, who are above all constitutions and all laws, and who, when laws and constitutions failed to secure to them their liberty and equality, must seek them under new laws, ordinances and constitutions, enacted by that right so potent in the extirpation of tyranny—the exercise of universal suffrage.

No longer dependent upon the caprice or dictation of State legislation for nationality, the American Republic presents her Constitution and laws as the charter of freedom to all her citizens, without distinction; and unfurls her starry banner, at home and abroad, as the emblem of liberty and protection alike to the adopted and the native born citizen, under new but reluctant guarantees from European monarchs.

The new Nation, as it came up from the funeral pile of the slave oligarchy, opened an era in the history of human liberty. The practicability of Republican Government was established, new encouragement and new strength added to the friends of freedom, in all parts of the world; and as *manhood* suffrage, and equal

rights before the law, began to assert their dominion, ancient thrones, around which had clung *caste* and proscription, began to topple and crumble at the base, until the tenure of their existence was circumscribed to the period of religious and political equality, free schools, freedom of the press and of speech with the masses of the people, at which time the emancipated millions of Europe will march—ballot in hand—upon the royal usurpers of their liberties, to institute new governments wherein *manhood and intelligence will be king.*

In all quarters, loud calls are being made for an extension of the elective franchise. But where that suffrage and that political freedom now demanded at home and abroad shall begin, or where it shall end, is still a matter of serious concern. *Universal suffrage* is demanded by the friends of progress everywhere. It is easy to comprehend and apply the rule of equal rights before the law; but it is most difficult to conceive of any system of franchise that would apply to *all*, and still advance the progress of the race and secure the liberty and perpetuity of the Nation. *Universal Suffrage* is a myth; such a condition has never existed in civil society, and never can exist. There are laws of nature and other causes equally formidable which stand in the way of this condition.

The comprehensive term of universal suffrage would embrace the whole family of mankind, of all ages and conditions, without reference to sexes, mental or moral fitness, for the discharge of the highest duties and and privileges of society.

In the most favored nations under the broadest franchise ever enjoyed, suffrage has been restricted to a limited class of the people. In the Republic of Amer-

ica, only about *one in seven* of the population are entitled to cast votes. When the population was thirty-one million, a vote of a fraction over four million was cast, and the same ratio continues to govern the country. The enfranchising of the freedmen has added some to the voting population of the country; but even with this, the governing class in America, compared with the population, will not exceed one in six or seven of the entire inhabitants; and even were those States which still retain the word "white male citizen" in their constitutions, to extend the franchise to *all* male citizens twenty-one years of age and upwards, it would add but little to the voting population, and the great mass of the people—all the males under twenty-one years of age, and the whole female population—would still be unrepresented.

Universal suffrage is a physical impossibility, and is neither practicable nor would it be desirable if it were possible. The tendencies of the race and of the age are to *equality before the law* — equal rights in every transaction of business; to hold, buy, sell, or otherwise own or dispose of, any and every species of property or interest, to prosecute, defend, and testify in all Courts, by all classes, colors and races of men, regardless of allegiance or condition, except conviction of crime.

In the United States, universal suffrage is supposed to exist when all the male citizens twenty-one years of age exercise the voting privilege. But even in the States where the franchise goes to that extent, a large majority of the people are still without a voice in the government of the country.

In some of the States of America, where universal suffrage is supposed to exist, property and intellectual

qualifications are demanded. In most of the Slave States before the Rebellion, property in land, personal effects, or negroes, was necessary to enable the citizen to enjoy the privileges of a voter or to hold office; and in many cases in addition to these, religious tests were applied. In Rhode Island, to this day, the adopted citizen is not entitled to the ballot unless he possess property to the value of $134, or property that rents for $7 per annum over all expenses. In Massachusetts and Connecticut, the voter must be able to read and write; and in Vermont, he must make oath that he will cast his vote for the best interests of the State. All these things are opposed to the idea and the practice of universal suffrage. But, however oppressive these restrictions may seem, a contraction rather than an expansion of the elective franchise is desirable in America; for in the government of an enlightened Republic the highest order of intelligence should exercise the law-making power. Neither the possession of property nor the fact that a male human being has lived in the world twenty-one years, should of themselves be a qualification for the exercise of the elective franchise. There should be some acquired *qualification* exacted; something denoting intelligence; something that will endure in all lands, and under all circumstances, when all physical acquirements have gone. The *only* qualification that should be demanded is *knowledge;* such knowledge as distinguishes man from the animal creation, and graduates him in rank one above the other. The lowest standard demanded should be, that the voter be able to read and write the language of the country wherein he resides; this is indeed a low enough standard of intelligence; for surely there are many, who can perform these acquirements,

who have still a superabundance of ignorance upon matters of public concern. What is first wanted is *education*, then *emancipation* — a universal system of education, established and enforced by the Federal authority; close the corner grocery (drinking saloon) and open a school in its place, where *all*, regardless of sex, age, nationality, shall be compelled to attend until they can read and write. Teach them the philosophy of Republican government, and then give the ballot to every man and every woman in the land, twenty-one years of age and upwards, who can read and write and who has not been convicted of crime. Let the influence of such a system reconstruct the bond-men of America, and cast its influence over the despotic nations of Europe and Asia; illuminate the path that leads from Polish and Spanish bondage into the new Nation of universal freedom; let its influence dawn upon Briton's sturdy sons and daughters, reaching the doomed operative of Manchester and Birmingham and the peasant at his plow; let it penetrate into the solitude of the "Workhouse," the "Ragged School," and the dismal places where vice, crime and ignorance abound—the result of misgovernment; let the sacred boon of freedom dawn down into the dark chambers of the British colliery and lift the families of men, women and children into the light of day and the enjoyment of blessed freedom.

Woman, disenthralled from the degrading bondage of servile labor as a beast of burden, and from the little less degradation of complete helplessness into which the follies of the age had cast her, begins to assert her dominion in the fields of intellectual and material industry, casting the sickly mock-modesty of her own sex, and the undignified prejudices of the masculine

gender into the wreck of past ages. She begins to seek wider fields of mental and physical activity. From the suppliant position of obscure drudgery, she has gradually possessed herself of a share of the honors and honorable positions in which intellect, sobriety, industry and patience alone can insure success. In America, not only has she been the instructor in the family circle, but the *teacher* of our youth; her influence reaching from the school-house to every scene of life. She has wielded the pen, the painter's brush and the sculptor's chisel with admirable effect, and in thousands of branches of science and industry has demonstrated her equality; and in virtue, and patient submission to the trials of life, has shown her great superiority over the opposite sex.

As the education and pursuits of the sexes become assimilated, and woman begins to understand and appreciate her sphere, she begins to assert her right to equality before the law, and her claims to a voice in the affairs of the Nation. In Germany, during the year 1868, the women have been holding mass conventions for the amelioration of their condition. In England, they have been testing before the highest Courts in the land their right to vote at all elections, and have enlisted in their behalf many of the leading statesmen of the liberal party, headed by the philosophic John Stuart Mill.

During the year 1868, the subject of "women's rights" claimed a large share of public attention in many parts of America, particularly in the New England States, where many of the leading men of the progressive school zealously advocate their cause.

In Massachusetts—the cradle of liberty, learning and industry in America—mass conventions have been held,

resulting in the organization of societies for the enfranchisement of the women of America; and the first steps taken in the Republic to place woman upon an equal footing with her brothers in the political affairs of the Nation, came from the direction where the breath of life was first infused into the New World—Massachusetts.

Senator Wilson, of that State, introduced into the National Congress, on the 14th day of December, 1868, the following bill:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the word 'male' in the first section of the Act entitled 'An Act to regulate the Elective Franchise in the District of Columbia,' passed on the 8th day of January, in the year 1867, be struck out, and that every word in said Act applicable to persons of the male sex shall apply equally to persons of the female sex, so that hereafter women, who are inhabitants of said District of Columbia and citizens of the United States, may vote at all elections and be eligible to all civil offices in said District on the same terms and conditions in all respects as men."

Other States of the Union are fast organizing similar societies with prospects of ultimate success. In several sections of the country, at the Presidential election of November, 1868, polls were opened and ballots cast by the women, for the candidates of their choice. They knew that their votes would not avail in that election, so they "played vote." But, however unimportant the effort of the intelligent women of America may seem to some, in their desire to exercise what is their *right*, the exercise of the franchise, when they *do* enjoy it, will be the most powerful auxiliary to the forces of the friends of liberty, in purifying the political and social condition of the country, and in legislating the "social evil" within limits where its terrible influence will cease to oppress the land.

All the objections now offered against female suffrage upon the score of immodesty and immorality will gradually disappear, as the dignity and gallantry of man and the modesty and purity of woman assert their influence, when they march in line to the ballot-box to discharge the highest prerogative of the citizens of a free country.

# CHAPTER XXV.

OTAL AREA AND POPULATION OF THE UNITED STATES.—FOREIGNERS IN AMERICA.—THEIR NUMBERS, INFLUENCE, POLITICS, PECULIARITIES, CONDITIONS.—ARCHBISHOP HUGHES AS A CITIZEN.—HIS LETTER.

No nation on the globe possesses so cosmopolitan a opulation as does the Republic of America. The numeration of the population made by Federal authority every ten years, presents many interesting facts onnected with the composition of our population.

The total area of the States and Territories in 1860 as 3,002,013 square miles. By the acquisition of Russian America (Alaska) in 1867, and the purchase, lso, of the Danish West India Islands of St. Thomas nd St. Johns, in 1868, ($7,200,000 gold coin having een paid for Alaska, and about the same sum agreed o be paid for St. Thomas and St. Johns,) a material ncrease has been added to the territorial boundaries f the Republic, which now extend from New England, on the Atlantic side, to Behring Straits and the rctic Ocean. The area of Alaska is estimated at 78,000 square miles, and its population about 62,000, xty thousand of whom are Indians and half breeds, nd two thousand Russians and Americans, settled at itka and other sea-ports. The area of St. Thomas is 7 square miles; its population about 14,000. It is rolific in earthquakes and yellow fever. The area of t. Johns is 22 square miles, and its population 2,500. he products of this island are similar to that of St. homas. Thus the total area of the 27 American

States, and all the Territories, is 3,580,062 square miles, and the population about 36,000,000 at the end of the year 1868..

Of the total area of the United States and Territories in 1860, the States had 162,649,848, and the Territories 460,872, acres of improved land, making 163,110,720 acres of cultivated land in farms; and the States had 241,943,671, and the Territories 2,158,147 acres of land in farms unimproved, making 244,101,818 acres of unimproved land in farms. In the States there were 17 inhabitants to each square mile, and in the Territories there were more than four square miles to each inhabitant. The total population of native born in all the States and Territories of the Union in 1860, was 27,306,187 of all classes, black and white, free and slave; and the total foreign population at the same time, of all classes, was 4,136,175. (See Appendix.)

A most interesting feature of the American Nation is the influence of the foreign element upon the social, industrial, and political affairs of the country. For centuries the Kingdoms of Europe have had but limited contributions to their numbers from foreign nations. Their growth depends mainly upon the increase of the parent stock. Russia, Austria, Great Britain, France, and Spain are, as nations, as exclusively managed in their political affairs by the native born, as if each were the only nation on the globe. They receive contributions in population from those countries immediately adjacent; but as the great mass of the people do not have a voice in political affairs, the immigrant seldom becomes naturalized, and rarely takes any part in the affairs of his adopted country. This rule, too, applies to the smaller nationalities of Europe, many of which have a less area than some counties in the States

by deception, enticed the innocent and inoffensive inhabitants on board their ships and sold them into Slavery, and passed laws depriving the citizens of foreign nations of the right of abode in Slave States, and attempted to sell the subjects of Britain into Slavery. They enacted State laws denying the right of speech, the liberty of the press, and the use of the United States mails to large classes of persons, and entered protests and petitions against the admission of California as a State in the Union because she prohibited Slavery. They proclaimed, in 1856, that if Fremont was elected President they would disrupt the Union. They stripped the Northern armories and arsenals of all munitions of war in a time of profound peace, and put the Slave States upon a war footing, and vetoed, by their President, James Buchanan, the Homestead Bill granting to actual settlers 160 acres of land, upon the plea that it was *unconstitutional*, and sustained the veto of Buchanan in the Senate. On the vote taken to carry the bill over the veto the vote stood—yeas, 9 Democrats, 19 Republicans, (28 in all); nays, 18, all Democrats. The veto bears date June 22d, 1860. (For veto, see Part 4, 1st session 36th Congress, pages 3,263–4. For vote, see same vol. page 3,272; also page 192 "Political Text Book" for 1860.) They proclaimed in 1860 that if Abraham Lincoln was elected President they would not submit, but would secede from the Union. They fired upon the *Star of the West* and Fort Sumter, tore down the American flag, and raised another in its place, bearing a strange device, and representing a foreign nation, and established upon the southern portion of the Republic a foreign Government, which they maintained by a long and cruel war. They abandoned every principle of

honorable warfare, placed Union soldiers in filthy prison pens, where they starved them by thousands or shot them in cold blood, and murdered at Fort Pillow and elsewhere, men, women, and children after they had surrendered. They repudiated all debts due to Union men in the Slave States, and robbed the United States Mint and Custom Houses, and turned their booty over to the Southern Confederacy. They ornamented their parlors and persons with the bones of Union patriots whom they murdered. Employed scientific men to go to foreign lands and procure the virus of malignant disease, which they spread through Northern cities, and innoculated into the wounds of the Union soldiers as they lay bleeding on the field and in the hospitals. Poisoned the wells, springs, and aqueducts, and held the death chalice to the lips of the dying soldier of the Republic. Employed incendiaries to fire Northern cities, (see Kennedy's confession,) and burned upon the high seas the unoffending fishing and mercantile fleets. They refused National aid to the Overland Railroad, every Democrat in the National Congress voting *no*. (See Proceedings XXXVIIth Congress, 2d Session, page 1971.) They opposed the recruiting of soldiers to put down the Rebellion, and all measures of reconstruction, and the admission of Nebraska into the Union—incurred by acts of rebellion, treason, and robbery, a burdensome National debt, and increased taxation. They refused to abolish the *Freedman's Bureau*—Andrew Johnson vetoing the law passed by the Republican Congress abolishing it—every Democrat voting to sustain his veto, and retain this institution, long after its usefulness had ended, (see Proceedings, XLth Congress, 2d Session), and voted *unanimously* for the acquittal of Andrew Johnson,

on his arraignment before a Court of Impeachment. (See Impeachment.) Still foster the heresies of the *sovereignty* of the States, are unrepentant, revengeful, malignant and traitorous. *They murdered the good Abraham Lincoln.*

Most of the above must go to the credit of the Democracy of the Slave States; not forgetting their "brethren" of the Free States, who have *aided and abetted* them in their treason and villainy.

Jefferson Davis, who was a Senator in the United States Senate, at the breaking out of the Rebellion, on leaving the Senate on January 21st, 1861, to join the Southern Confederacy and his friends in arms against the United States, said:

"I rise, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course, my functions are terminated here. It has seemed to me proper, however, that I should appear in the Senate to announce the fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument; and my physical condition would not permit me to do so if it were otherwise; and yet it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this.

"It is known to Senators who have served with me here, that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the Government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counseled them then that if

the state of things which they apprehended, should exist when the Convention met, they should take the action which they have now adopted.

"Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu."

JEFFERSON DAVIS' PROCLAMATION OF BANISHMENT OF AMERICAN CITIZENS AND OTHER FOREIGNERS.—The reader will observe with what exact distinction he extends the hospitality of his favored Confederacy to those *born upon slaveholding soil*, whilst all others, of the age of *fourteen* years and upwards, must "*depart within forty days*." Mr. Davis was evidently determined to have the "Confederacy" a "pure Democracy," undefiled by the presence of any plebeian Yankee or Abolitionist.

"PROCLAMATION.

"WHEREAS, The Congress of the Confederate States of America did, by an Act approved on the 8th day of August, 1861, entitled 'An Act respecting Alien Enemies,' make provisions that a proclamation should be issued by the President in relation to alien enemies, and in conformity with the provisions of said Act:

"Now, therefore, I, Jefferson Davis, President of the Confederate States of America, do issue this my proclamation; and I do hereby warn and require every male citizen of the United States, of the age of fourteen years and upwards, now within the Confederate States, and adhering to the Government of the United States, and acknowledging the authority of the same, and not being a citizen of the Confederate States, to depart from the Confederate States within forty days from the date of this proclamation. And I do warn all persons above described, who shall remain within the Confederate States after the expiration of said period of forty days, that they will be treated as alien enemies.

"*Provided, however*, That this proclamation shall not be considered as applicable, during the existence of war, to citizens of the United States residing within the Confederate States with intent to become citizens thereof, and who shall make a declaration

of such intention in due form, acknowledging the authority of this Government; nor shall this proclamation be considered as extending to the State of Delaware, Maryland, Kentucky, Missouri, the District of Columbia, the Territories of Arizona and New Mexico, and the Indian Territory south of Kansas, who shall not be chargeable with actual hostility or other crime against the public safety, and who shall acknowledge the authority of the Government of the Confederate States.

"And I do further proclaim and make known that I have established the rules and regulations hereto annexed, in accordance with the provisions of said law.

"Given under my hand and the seal of the Confederate States of America, at the City of Richmond, on the 14th day of August, A.D. 1861.

"JEFFERSON DAVIS.

"By the President.

"R. M. T. HUNTER, Secretary of State."

This proclamation was followed by Acts of the Confederate Congress, prescribing the penalties for disobedience of its provisions; one of which was, that if at the expiration of the time limited, such aliens (American citizens) as well as all others not citizens of the Confederacy, found within the limits of the Confederacy should be removed by the marshals and others beyond the limits of the "new Nation," should return, would, in the language of the statute, be treated as enemies.

"SECTION 4. Any alien who shall return to these States during the war, after having been removed therefrom under the provisions of said law, shall be regarded and treated as an alien enemy; and, if made prisoner, shall be at once delivered over to the nearest military authority, to be dealt with as a spy or prisoner of war, as the case may require."

Another Act passed by the Confederate Congress declared, that all real and personal property of all citizens of the United States, found upon Southern soil after the forty days' notice in the Proclamation of the

President, should be confiscated and turned over to the Government, under fine and imprisonment on failure of the "alien" to comply with the requirements of the "law."

On the 18th of May, 1861, the Confederate Congress passed the following law. It will be seen how their affection toward the "subjects" of Slave States, and slave owners, whether they were within or without the Confederacy, was manifested—the Act applied *only to the free States:*

"SECTION 1. The Congress of the Confederate States of America do enact, that all persons in any manner indebted to individuals or corporations in the United States of America, (except the States of Delaware, Maryland, Kentucky, and Missouri, and the District of Columbia) be and are hereby prohibited from paying the same to their respective creditors, or their agents or assignees, pending the existing war waged by that Government against the Confederate States, or any of the slaveholding States before named.

"SEC. 2. Any person indebted as aforesaid, shall be and is hereby authorized to pay the amount of his indebtedness into the Treasury of the Confederate States in specie or Treasury notes, and shall receive from the Treasurer a certificate, countersigned by the Register, showing the amount paid and on what account, and the rate of interest which the same was bearing.

"SEC. 3. Such certificate shall bear like interest with the original contract, and shall be redeemable at the close of the war and the restoration of peace, in specie or its equivalent, on presentation of the original certificate.

"SEC. 4. All laws and parts of laws militating against this Act shall be and the same are hereby repealed.

"HOWELL COBB, President of the Congress.

"Approved May 21st, 1861.

"JEFFERSON DAVIS."

Laws were also passed confiscating real and personal property, and all interests of whatever description within the Confederate States, belonging to citizens of

the *Free States* resident in the Confederacy or elsewhere, as in all other Acts, they exempted the property of persons from or in the *Slave States*, not joined to the Confederacy.

The business of the Congress was generally done with closed doors, the Sergeant-at-arms clearing the legislative halls of all but members and officers. This, while it lasted, was no doubt "pure Democracy," according to the doctrines of the unreconstructed.

The resolutions, generally known as the Kentucky Resolutions of '98, were similar and of almost the same tenor as the Virginia resolutions of the same year, and fully define the views of the Democracy of the country from the very formation of the Government to the present time in regard to the sovereignty of the States and the *oppression* of the Federal Union.

The following extract from these resolutions, written by Thomas Jefferson and indorsed by all living and dead Democrats, contain the pith of the whole resolutions:

"*Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by a compact under the style and title of a Constitution for the United States, and of the amendments thereto, they constitute a General Government for special purposes—delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and as an integral party, its co-States forming, as to itself, the other party; that the Government created by this compact was not made the exclusive or final judge of the extent of the power delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other

cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well as of infractions as of the mode and measure of redress."

On the evening of the 6th of January, 1861, the Democratic Senators at Washington held a "caucus," and as guardians of the Republic passed some resolutions, the purport of which may be readily ascertained by the following letter written by D. L. Yulee, a Democratic Senator from Florida at that time. A perusal of it may aid those of the *neuter gender*, who desire that the "little unpleasantness" should all be forgotten in arriving at an appreciation of the danger surrounding the South from "Abolition aggressions."

Following is a copy of Mr. Yulee's letter:

"WASHINGTON, January 7th, 1861.

"*My Dear Sir*—On the other side is a copy of resolutions adopted at a consultation of the Senators from the seceding States, in which Georgia, Alabama, Louisiana, Arkansas, Texas, Mississippi, an Florida were present.

"The idea of the meeting was that the States should go out at once, and provide for the early organization of a Confederate Government, not later than the 15th of February. This time is allowed to enable Louisiana and Texas to participate. It seemed to be the opinion that if we left here, force, loan, and volunteer bills might be passed, which would put Mr. Lincoln in immediate condition for hostilities, whereas by remaining in our places until the 4th of March, it is thought we can keep the hands of Mr. Buchanan tied, and disable the Republicans from effecting any legislation which will strengthen the hands of the incoming Administration.

"The resolutions will be sent by the delegation to the President of the Convention. I have not been able to find Mr. Mallory this morning. Hawkins [the member from Florida] is in Connecticut. I have therefore thought it best to send you this copy of the resolutions. In haste,

"Yours, truly,

"D. L. YULEE.

"Joseph Finegan, Esq., Sovereignty Conference, Tallahassee, Florida."

It may not be uninteresting to the reader to peruse the following draft of a law presented to the National Congress, at the 1st Session of the 36th Congress, 1860, by Senator Albert G. Brown, of Mississippi. To those of his party who proclaim their love for the liberties guaranteed by the Constitution—freedom of speech, of the press, and of trial by jury—it is especially commended. It is the most "Democratic-like" document on record, and fully embodies and reflects the "time-honored principles of the Democracy."

"*An Act to punish offenses against Slave Property in the Territory of Kansas.*

"SECTION 11. If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist, intriguing into, printing, publishing, or circulating within the Territory of Kansas, any book, paper, pamphlet, magazine, or handbill, or circular, containing any statements, arguments, opinions, sentiment, doctrine, device, or innuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the slaves in the Territory of Kansas, or to induce such slaves to escape from the service of their masters, or to resist their authority, he shall be guilty of felony, and be punished by imprisonment and hard labor for a term not less than five years.

"SECTION 12. If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in the Territory of Kansas, or shall introduce into the said Territory, print, publish, write, circulate, or cause to be introduced into said Territory, written, printed, published, or circulated in said Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in said Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term not less than two years, nor more than five years.

"SECTION 13. No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves in the Territory of Kansas, shall sit as a juror on the trial of any prosecution for any violation of any of the Sections of this Act."

Reuben Davis, of Mississippi, on December 8th, 1859, in the National Congress, speaking upon the subject of Slavery, said:

"We will not be driven one inch beyond where we now stand. We will be butchered first; and only invite those who have raised the storm to lead its maddened columns, that we may encounter them in the death-grasp, and catch the first wail of their damned spirits as they enter the regions of woe."

J. L. M. Curry, of Alabama, in the National House of Representatives, on December 10th, 1850, said:

"Every separate community must be able to protect itself. Power must be met by power. If the majority can control this Government, interpreting the Constitution as it will, then this Government is a despotism. Whether wise or unwise, whether merciful or cruel, * * this power of self-protection, according to my judgment, and my theory of politics, resides in each State. Each has the right of Secession, * * and it is a sad misfortune that these effective remedies have not been oftener applied."

O. R. Singleton, of Mississippi, on December 19th, 1859, in the National Congress, said:

"We can never quietly stand by and permit the control of the army and navy to go into the hands of a Black Republican President. * * You may make him President of the Northern States, but you cannot make him President of this Republic. I do claim the right of peaceable secession.

"We were originally thirteen sovereign States, recognized as such by Great Britain, and these sovereignties made the Constitution which binds us together. When we leave you we expect to occupy precisely the same position that we did before we came into the Confederation of States."

T. C. Henderson, of Arkansas, in the House of Representatives, on January 20th, 1860, said:

"When the invasion is made, (speaking of coercion,) the price of hemp will go up, for our whole crop will be needed to hang the Abolition soldiery, but the price of arms will go down, for

we will take from our invaders arms enough to equip our whole population. * * We will welcome them with bloody hands to hospitable graves."

L. M. Keitt, of South Carolina, in the National Congress, on January 25th, 1860, said:

"Why is it, then, that the triumph of the Republican party will be the overthrow of the Federal Government? Because the consummation of its principles will be the practical subversion of the guarantees of the Constitution, and the condemnation of the whole industrial system of the South to chaotic rupture. African Slavery is the corner-stone of the industrial, social, and political fabric of the South, and whatever wars against it, wars against her very existence. Strike down the institution of African Slavery and you reduce the South to depopulation and barbarism. * * The right of slaves was the first right of property which was recognized, and it has been recognized more widely than any other kind of property. * * We of the South contend that Slavery is right, and that this is a Confederate Republic of Sovereign States. We affirm it to be moral, just and beneficent. It is moral, for it has existed in every portion of the world, and among all people—the most civilized as well as the most savage. * * It is just. It was established in the old, and recognized in the new dispensation. * * If the standard of the moral law be applied, it is just. If the standard of the human law be applied, it is just also, for it is found in the laws of every people on earth. So far, however, as human justice is involved, separated from intrinsic morality, it is just. So far as the people are concerned, it is just. It is just, too, in the sense of high public duty. It is beneficent. In all societies there must be some relation between the superior and the inferior. * * It is also incontrovertible that all the inhabitants of a State cannot be educated. The ordinance of God condemns mankind to labor and certain menial occupations incompatible with mental cultivation."

John C. Calhoun, of South Carolina, in the Senate of the United States, in 1838, said:

"Many in the South once believed that Slavery was a moral and political evil; that folly and delusion are gone. We see it

now in its true light, and regard it as the most safe and stable basis for free institutions in the world. It is impossible with us that the conflict can take place between capital and labor, which makes it so difficult to establish and maintain free institutions in all wealthy and highly civilized nations where such institutions as ours do not exist."

The following is an extract from the *Richmond Enquirer*, of 1855:

"At the North, and in Western Europe, by attempting to dispense with a natural and necessary, and hitherto universal limb, element, or institution of society, you have thrown everything into chaotic confusion. In dispensing with domestic Slavery, you have destroyed order, and removed the strongest argument to prove the existence of Deity. * * * This is but part of our programme, we mean to show up free society—to show that the little experiment made in a corner of Western Europe has signally failed, then we will invade the North, where a similar experiment is *making*—not *made*. We will point to a thousand premonitory symptoms of ultimate failure, and always adduce the Abolitionists as our witnesses. In fine, we intend, from time to time, to institute a searching comparison between Slave society and Free society, and to prove that the former is the old, almost universal moral, and natural, condition of civilized society."

In a book written a few years ago by a Mr. Fitzhugh, entitled "Free Society a failure," which work was highly recommended to the people of the Slave States and by leading Democratic journals, we find the following:

"We do not adopt the theory that Ham was the ancestor of the negro race. The Jewish slaves were not negroes, and to confine the justification of Slavery to that race, would be to weaken its scriptural authority, and to lose the whole weight of profane authority, for we read of no negro Slavery in ancient times. * * * * Slavery, black or white, is right and necessary. * * * * The slaves are governed far better than the free laborers at the North are governed. Our negroes are not only better off, as to physical comfort, than free laborers, but their moral condition is better."

This morsel of Democratic philosophy might serve a good purpose, if placed at the head of a Democratic editorial, soliciting the votes of Irish and Germans—and abusing Black Republicans for their emancipation proclamation and "usurpations."

Speech of Hon. Peter E. Love, of Georgia, delivered in Congress, March 13th, 1860. He said:

"I deny that a single sentence can be found in the Bible, from Genesis to Revelations, which condemns Slavery. On the contrary, the two kinds of servitude which exist in our day, hired and slave labor, existed at the times of, and were regulated by, both the laws of the Old and New Testament. * * I will call the attention of the Committee to only two passages, one from each book, to establish what I say: 'Every man servant that is bought for money, when thou hast circumcised him, then shall he eat thereof. A foreigner and a hired servant shall not eat thereof.'

"Here, sir, is not only the direct recognition of the existence of hired servants and slaves, but it regulates their condition. And more than that, sir; it domesticates the slave, and upon the condition specified, elevates him above the hired servant. Would God tolerate an evil—a moral evil? Would he regulate the commission of sin? The idea is ridiculous.

"But again, sir, in the New Testament, we have the following: 'Servants be obedient to them who are your masters, according to the flesh, with fear and trembling, in singleness of your heart as unto Christ; not with eye service as men pleasers; but as the servants of Christ, doing the will of God from the heart, with good will, doing service, as if to the Lord, and not to men; knowing that whatsoever good thing any man doeth, the same shall be received of the Lord, whether he be bond or free. And ye, masters, do the same things to them, forbearing threatening, knowing that your Master is also in heaven; neither is there respect of persons with Him.'

"Here, again, the relation of master and servant (slave) is distinctly and clearly recognized. But some men of the present day set themselves up as better men than the Apostle Paul. The apostle counseled and advised slaves to obey their masters."

In contrast with the mad doctrines of the party of

barbarism, vice and oppression, the following extracts from the writings and speeches of the founders and protectors of American nationality and freedom may prove interesting.

A copy of the memorial of the people of Pennsylvania, presented to the first American Congress on the 12th day of February, 1790, and signed by Benjamin Franklin, is here given:

"*The memorial respectfully showeth*, That from a regard for the happiness of mankind, an association was formed several years since in this State, by a number of her citizens, of various religious denominations, for the promotion of the abolition of Slavery, and for the relief of those unlawfully held in bondage, a just and acute conception of the true principles of liberty as it spread through the land, produced accessions to their numbers, many friends to their cause, and a legislative co-operation with their views, which by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow creatures of the African race. They have also the satisfaction to observe that in consequence of that spirit of philanthropy, and genuine liberty which is generally diffusing its beneficial influence, similar *institutions* are forming at home and abroad.

"That mankind are all formed by the same Almighty Being, alike subject to his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of Americans fully coincides with the proposition.

"Your memorialists, particularly engaged in attending to the distresses arising from Slavery, believe it their indispensable duty to present this subject to your notice. They have observed with real satisfaction, that many important and salutary powers are vested in you for 'promoting the welfare and securing the blessings of liberty to the people of the United States,' and as they conceive that these blessings ought rightfully to be administered, without distinction of color, to all descriptions of people, so they indulge themselves in the pleasing expectations that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed.

"From a persuasion that equal liberty was originally the portion, and is still the birthright of all men, and influenced by the strong ties of humanity, and the principles of their institutions, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bands of Slavery, and promote the general enjoyment of the blessings of freedom.

"Under these impressions, they earnestly entreat your serious attention to the subject of Slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who, alone in this land of freedom, are degraded into perpetual bondage, and who amidst the general joy of surrounding freemen are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote justice and mercy towards this distressed race, and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow men.

"BENJAMIN FRANKLIN, President.

"Philadelphia, February 3d, 1790."

Extract from a letter written by Gen. Washington to Lafayette:

"I agree with you cordially in your views in regard to negro Slavery; I have long considered it a most serious evil, both socially and politically, and I should rejoice in any feasible scheme to rid our States of such a burden. The Congress of 1787 adopted an ordinance which prohibits the existence of involuntary servitude in our Northwestern Territory forever. *I consider it a wise measure. It met with the approval and assent of nearly every member from the States more immediately interested in slave labor. The prevailing opinion in Virginia is against the spread of Slavery in our new Territories, and I trust we shall have a confederation of Free States.*"

Washington wrote to Robert Morris, in 1786, as follows:

"I can only say, that there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it (Slavery); but there is only one proper and effectual mode in which it can be accomplished, and that is by legislative au-

thority; and this, so far as my suffrage will go, shall never be wanting."

Mr. Jefferson, in his Notes on Virginia, says:

"The abolition of domestic Slavery is the greatest object of desire in these Colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves, it is necessary to exclude further importations from Africa."

With almost prophetic spirit, Mr. Jefferson, speaking of Slavery, said:

"*Nothing is more certainly written in the book of fate than that these people are to be free*, nor is it less certain that the two races, equally free, cannot live in the same Government. Nature, habit, and opinion have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably, and in such slow degree as that the evil will wear off insensibly, and their places be *pari passu* filled up with free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospects held up."

Mr. Madison, in 1780, said:

"Congress might, for example, respecting the introduction of slaves into the new States to be formed out of the Western Territory, *make regulations*, such as were beyond their power in relation to the old settled States."

The following members of the Legislature of Virginia, as late as 1832, said. Mr. Moor, of Rockbridge:

"In the first place, I shall confine my remarks to such of those evils as affect the white population exclusively. And even in that point of view I think that Slavery, as it exists among us, may be regarded as the *heaviest* calamity which has ever befallen any portion of the human race."

Mr. Rives, of Campbell, said:

"On the multiplied and desolating evils of Slavery, he was not

disposed to say much. The curse and deteriorating consequences were within the observation and experience of the members of the House and the people of Virginia, and it did seem to him that there could not be two opinions about it."

Mr. Powell said:

"I can scarcely persuade myself that there is a solitary gentleman in this House who will not readily admit that *Slavery is an evil*, and that its removal, if practicable, is a consummation most devoutly to be wished. I have not heard, nor do I expect to hear, a voice raised in this hall to the contrary."

Mr. Henry Berry said:

"I believe that no cancer on the physical body was ever more certain, steady, and fatal in its progress, than is the cancer on the political body of the State of Virginia. It is eating into her very vitals."

Thomas Marshall, of Virginia, said:

"Wherefore, then, object to Slavery? Because it is ruinous to the whites, retards improvement, roots out an industrious population, banishes the yeomanry of the country, deprives the spinner, the weaver, the smith, the shoemaker, the carpenter of employment and support."

Mr. Bordnax, of Dinwiddie, said:

"That Slavery in Virginia is an evil, it would be idle, and more than idle, for any human being to doubt or deny. It is a mildew which has blighted in its course every region it has touched, from the creation of the world."

Hon. Charles J. Faulkner, of Virginia, in an eloquent speech denouncing Slavery, said:

"Does not the same evil exist? Is it not increasing? Does not every day give it permanency and force? Is it not rising like a heavy and portentous cloud above the horizon, extending its deep and sable volumes athwart the sky, and gathering in its impenetrable folds the active materials of elemental war?"

James McDowell—since Governor of the State of Virginia—said:

"Sir, you may place the slave where you please; you may dry up to your utmost the fountains of his feelings, the springs of his thought; you may close upon his mind every avenue of knowledge, and cloud it over with artificial night; you may yoke him to your labor like an ox which liveth only to work, and worketh only to live; you may put him under any process which, without destroying his value as a slave, will debase and crush him as a rational being; you may do this, and the idea that he was born to be free will survive it all. It is allied to his hope of immortality; it is in the etherial part of his nature, which oppression cannot reach; it is a torch lit up in his soul by the hand of Deity, and never meant to be extinguished by the hand of man. * * If gentlemen do not see and feel the evil of Slavery while this Federal Union lasts, they will see and feel it when it is gone. They will see and suffer it then in a magnitude of desolating power, to which the pestilence that walketh at noonday would be a blessing—to which the malaria which is now threatening extermination to the 'Eternal City,' as the proud one of the Pontiff's and Cæsar's is called, would be as refreshing and as balmy as the first breath of Spring to the chamber of disease."

## CHAPTER XXXIV.

GENERAL OF THE AMERICAN ARMIES.

The grade of the commanding General of the armies of the American Republic has been varied at different periods. George Washington, who was the first General of the American forces, received his appointment as such June 15th, 1775, from the second Continental Congress, then in session at Philadelphia. He was by that body unanimously proclaimed "Commander-in-Chief of all the Armies raised and to be raised for the defense of the Colonies." His title was *General*—the highest grade in an army; and up to the period of the revival of this grade by the XXXIXth Congress, July 25th, 1866, no such officer as that of General had existed within the Union.

On the adoption of the Federal Constitution, the President of the United States became *ex-officio* Commander-in-Chief of the army and navy of the United States; and unless by this it could be said that the President was the *General* of all the armies, we have had but two Americans with the full title of General —George Washington and Ulysses S. Grant—and but one General (Grant) since the formation of the Federal Union under the Constitution; for it will be remembered that Washington's appointment and services as General were made under the Articles of Confederation, during the colonial period of the country. General, Lieutenant-General, Major-General, and Brigadier-General are the ranks and order of ranks of the com-

manders of armies. The *General* commands all the armies. The officer second in rank is the Lieutenant-General, next the Major-General, who commands a division of an army, and last, the Brigadier-General, who commands a brigade.

The highest grade under Washington during the Revolutionary War, was that of Major-General, under which grade the armies were commanded until the grade of Lieutenant-General was created by special Act of Congress, in 1855, which title was soon after conferred upon Major-General Winfield Scott, as a mark of esteem for his gallantry in the wars of 1812 and of Mexico. The act was expressly so formed that it should not survive him.

Soon after the commencement of the Slaveholders' Rebellion, in 1861, age and infirmities compelled General Scott to retire from active service. His resignation and request to be placed upon the retired list was dated October 31st, 1861. Brevet-Lieutenant-General Winfield Scott, L.L.D., died at West Point, New York, on the 29th of May, 1866, aged eighty years.

On the recommendation of General Scott and others of high military standing, George B. McClellan was, on November 1st, 1861, appointed by President Lincoln Commander-in-Chief of the Army of the United States, with the rank of Major-General, the highest rank held by any General from the commencement of the war in 1861, until the appointment of Ulysses S. Grant as a Lieutenant-General, in 1864. He (McClellan) was removed from this command by order of President Lincoln, who appointed Henry W. Halleck as Commander-in-Chief of the Army of the United States. Halleck took command July 23d, 1862.

Ranking, as he had before this appointment, Major-General, he was, on March 12th, 1864, at his own request, relieved of the position of Commander-in-Chief of the Army.

Congress, on the 29th of February, 1864, revived the grade of Lieutenant-General. President Lincoln, on approving the act, immediately sent the nomination of Major-General Ulysses S. Grant to the Senate for confirmation. The Senate confirmed his nomination March 3d, 1864. On March 9th, President Lincoln, in presenting General Grant his commission as Lieut.-General, said:

"*Gen. Grant:* The Nation's appreciation of what you have done, and its reliance upon you for what remains to do, in the existing great struggle, are now presented with this commission, constituting you Lieutenant-General in the Army of the United States. With this high honor devolves upon you, also, a corresponding responsibility. As the country herein trusts you, so, under God, it will sustain you. I scarcely need to add that with what I here speak for the Nation, goes my own hearty personal concurrence."

To which Gen. Grant replied:

"*Mr. President:* I accept this commission with gratitude for the high honor conferred.

"With the aid of the noble armies that have fought on so many fields for our common country, it will be my earnest endeavor not to disappoint your expectations.

"I feel the full weight of the responsibilities now devolving on me, and I know that if they are met, it will be due to those armies, and, above all, to the favor of that Providence which leads both nations and men."

General Grant, who had left his command in Tennessee to receive this commission, returned to Nashville March 11th. On March 12th, the succeeding day, the following order was issued at Washington:

"War Department, Adjutant-General's Office,
"Washington, March 12th.

"*General Orders, No.* 98.

"The President of the United States orders as follows:

"1. Maj.-Gen. Halleck is, at his own request, relieved from duty as General-in-Chief of the Army, and Lieut.-Gen. U. S. Grant assigned to the command of the Armies of the United States. The head-quarters of the army will be in Washington, and also with Lieut.-Gen. Grant in the field.

"2. Maj.-Gen. Halleck is assigned to duty in Washington, as Chief-of-Staff of the Army, under the direction of the Secretary of War and the Lieutenant-General commanding. His orders will be obeyed and respected accordingly.

"3. Maj.-Gen. W. T. Sherman is assigned to the command of the military division of the Mississippi, composed of the Departments of the Ohio, the Cumberland, the Tennessee, and the Arkansas.

"4. Maj.-Gen. J. B. McPherson is assigned to the command of the Department and Army of the Tennessee.

"5. In relieving Maj.-Gen. Halleck from duty as General-in-Chief, the President desires to express his approbation and thanks for the zealous manner in which the arduous and responsible duties of that position have been performed.

"By order of the Secretary of War.
"E. D. Townsend, Ass't Adj't Gen."

On the 17th Gen. Grant issued the following order:

"Head-quarters Armies of United States,
"Nashville, March 17th, 1864.

"*General Orders, No.* 1.

"In pursuance of the following order of the President—

"Executive Mansion,
"Washington, D. C., March 10th, 1864.

"Under the authority of the Act of Congress to revive the grade of Lieutenant-General of the United States Army, approved February 29th, 1864, Lieut.-Gen. U. S. Grant, U. S. A., is appointed to the command of the Armies of the United States.

"A. Lincoln."

"I assume command of the Armies of the United States. My head-quarters will be in the field, and until further orders, will be with the Army of the Potomac. There will be an officers' headquarters in Washington, to which all official communica-

tions will be sent, except those from the army where head-quarters are at the date of this address.

"U. S. GRANT, Lieut.-Gen. U. S. A."

Thus Ulysses S. Grant became the successor of General Scott in the title of Lieutenant-General, and also Commander-in-Chief of the Army of the United States.

The XXXIXth Congress, by Act of the 25th of July, 1866, revived the grade of *General* of the Army of the United States, thus establishing for the first time in America since the days of Washington, the grade of General of the Army. By this law the General is to be appointed by the President, with the advice and consent of the Senate, and is to be selected from among the officers in the military service of the United States most distinguished for courage, skill and ability. The salary of the General is $400 per month. The Act provides that—

"Whenever any General shall have been appointed and commissioned under the provisions of this Act, if thereafter the office shall become vacant, *this act shall thereupon expire and remain no longer in force.*"

So soon as the office becomes vacant by the resignation of General Grant, or from any other cause, then the grade of *General* ceases, and must, if created again, be by Act of Congress.

Immediately on the passage of the Act of July 25th, 1866, alluded to, President Johnson nominated for the office of General, Lieutenant-General Ulysses S. Grant. He also nominated Major-General William T. Sherman to fill the office of Lieutenant-General, made vacant by Grant's nomination to the office of General. Both nominations were confirmed by the Senate toward the close of the 1st Session of the XXXIXth Congress in 1866.

The XXXIXth Congress, on March 2d, 1867, passed an Act by which the General of the Army can be removed only at his own request, or by the President, with the *consent* of the Senate; also providing that all orders and instructions, relating to military operations, should pass through the hands of the General. The bill reads as follows:

"The head-quarters of the General of the Army shall be at Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War, shall be issued through the General of the Army, and in case of his inability, through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said head-quarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section, shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section, shall be deemed guilty of a misdemeanor in office; and any officer of the army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof, in any Court of competent jurisdiction."

President Johnson protested against this Act, which he said in his message, "in certain cases virtually deprives the President of his constitutional functions as Commander-in-Chief of the Army;" yet he signed the bill.

## CHAPTER XXXV.

EXISTING REPUBLICS OF THE WORLD IN 1869.

*Andora.*—This is the oldest Republic now in existence. It is situated among the Pyrennees, between France and Spain. It was founded in the year 790, A.D., and lies in a beautiful valley inclosed on all sides by the mountains Maladetta and the Moncal. It has an area of 190 square miles, and a population of about 8,000. The laws are made by twenty-four Consuls elected by the whole people. Recent writers fail to mention this miniature Republic, but it still has an existenee.

*Bremen.*—This is a free city of Germany. Thirty-five members compose the Senate; there is also an assembly called Burgercouvent; these jointly discharge the legislative functions. The Senate is presided over by a Burgomaster; two are elected—one for four years, and one for six years. It comprises an area of 112 square miles, and contained a population of 104,091 in December, 1867.

*Frankfort.*—A free city of Germany, with an area of 43 square miles; the population in 1864 was 91,180. Its Government is Republican, vested in a Senate and Legislative Assembly. The Senate consists of four syndics, and twenty-one members elected for life. Fifty-seven members compose the Assembly, elected by the burghers, also twenty permanent representatives of the burghers, chosen by the Common

Council of the city, and eleven members chosen by the rural communities. In 1866, Frankfort was annexed to Prussia, but it still retains its freedom.

*Hamburg.*—This is a free city of Germany; its area 135 square miles; population in 1866, 298,324. A new Constitution was adopted in 1861, by which the legislative powers were vested in the Senate and the *Burgerschaft.* Eighteen members compose the Senate, of whom nine must be lawyers; and of the other nine, seven at least must be merchants. Senators are elected for life, and cannot tender a resignation until they have served at least six years. The Senate elects annually, from its own members, a first and second Burgomaster. The *Burgerschaft* consists of 192 members, 84 of whom are chosen by district elections; the others are chosen by different corporations.

*Lubec*—Is a free city of Germany. It adopted a new Constitution, December 29th, 1851. The executive power is vested in the Senate, which consists of fourteen members, and the legislative authority in the *Burgerschaft,* which consists of 120 members, chosen by the citizens. Lubec is the seat of the Supreme Court of Appeals for the four free cities of Germany.

*Switzerland*—Is a Federal Republic of Europe. Its present Constitution was adopted September 12th, 1848. The Republic is divided into 22 Cantons. The legislative power is vested in a Federal Assembly, which consists of two chambers; a *Standerath* or Council composed of two members from each of the Cantons, and a *Nationalrath,* consisting of 128 members, elected by the people. Elections are held once in three years, and every male inhabitant 21 years of age is entitled to vote. The area of the Republic is 15,933 square miles; and its total population in 1860 was 2,510,494.

*San Marino.*—This little Republic is situated in the Papal territory, and occupies an area of about twenty-one square miles, high up in the mountain range near the shore of the Adriatic. Its population in 1858 was 8,000. The origin of this Republic dates back to the fifth century, since which time it has maintained its Republican character. Once (in 1739) the Pope seized it, but the Emperor of Germany caused him to restore it to freedom. The great conqueror Napoleon, when he overrun Italy, spared this miniature Republic. The Government is conducted by a Council of 300 ancients, and a Senate of twenty patricians, twenty burgesses, and twenty peasants. The chief executive officer is styled *Gonfalonier*, and is elected every three months.

*Liberia.*—This Republic was founded by the *American Colonization Society*, which was formed at Washington City, D. C., on the night of the 20th of December, 1816. On the 15th of December, 1821, Commodore Robert F. Stockton, U. S. N., and Dr. Eli Ayres, acting as agents of this Society, purchased Cape Mesurado, upon which is now located Monrovia, the capital of Liberia. Subsequently six hundred miles of the west coast of Africa, with an average depth interiorwards of twenty miles, was added; its area is 23,859 square miles, and the population in 1867 was 17,000 civilized, and 700,000 uncivilized negroes. The legislative powers are vested in a Senate and House of Representatives. Senators are elected for four years; members of the House for two years. A President and Vice-President of the Republic are elected for two years. The President must be thirty-five years of age, and have property of the value of $600; the Vice-President must have the same qualifications. The whole government of the Repub-

lic is conducted by colored men. Mr. Daniel B. Warner, the present President, is an unmixed African; he is a man of culture, and discharges the duties of his office with much ability. The independence of Liberia has been formally recognized by thirteen of the leading Governments of Europe, and by the United States of America.

*Argentine Republic.*—This is a Federal Republic of South America; its area is 820,000 square miles, and its population in 1867 was 1,374,000. It is divided into fourteen provinces. Its Constitution was adopted in May, 1853. The Legislative department consists of two branches—the Senate and House of Representatives; the Senate having 28 and the House of Representatives 54 members. A President and Vice-President are elected for six years. The capital of the Republic is Buenos Ayres. Although the Republic is composed chiefly of Spanish and their descendants, yet the population presents a most cosmopolitan aspect. In 1867, there were in the Republic 70,000 Italians, 32,000 Spaniards, 32,000 English, 25,000 Frenchmen, 5,000 Germans and citizens of the United States. Immigration to the Republic is increasing rapidly; in 1866, the number reached 13,000.

*Bolivia.*—A Republic of South America; was segregated from Upper Peru, and established into a Free State by Bolivar, in 1826, at which time he caused himself to be proclaimed President for life; but the people desiring broader liberties, in 1827 entered into revolution, were successful, overthrew the Bolivar Constitution, and established a Federal Government with a President elected for four years, a National Congress, and separate provincial Governments. The area of the Republic is estimated at 374,000 English

square miles. The population in 1858 was 1,987,352. In this Republic, the Andes rise to their greatest elevation. Here the pinnacle of Sorato rises to 25,380 feet, or nearly five miles in height.

*Chili.*—Chili is a Republic of South America, with an area of 132,609 square miles, forming a narrow strip of 1,000 miles along the Pacific coast. Its population in 1866 was 2,084,945. A President is elected for four years. The Legislative powers are vested in a Senate and Chamber of Representatives—the former composed of twenty members elected for nine years, and the latter of one member for every 20,000 inhabitants, who are elected for a term of three years.

*Ecuador.*—This is a Republic of South America, with an area of 284,660 English square miles. The population in 1858 was 1,040,371; of whom 600,000 were the descendants of whites. A President is elected for four years. Quito is the Capital.

*Paraguay.*—One of the South American Republics. Its area is estimated at 73,000 English square miles. The population, according to the census of 1857, was 1,337,431. Assumption, the Capital, had a population of 48,000 at that date. The Government of Paraguay can scarcely by termed a Republic. The President is nominally elected for a period of ten years. The present ruler, President Lopez, has almost absolute control over the people. He succeeded his father, Charles A. Lopez, in 1862. By the Constitution, the President may appoint his successor by will, in case of his death before the expiration of his term.

*Peru.*—Also a Republic of South America. Has an area of 508,986 square miles. The population, in 1860, was 2,500,000. A President is elected by the people for the term of six years. The Senate is composed of

two members elected from each province, and the House of Representatives of one member for every 20,000 inhabitants. In 1860 the Senate had thirty-six members, and the House eighty-six members.

*Uraguay.*—One of the Republics of South America, with an area of 73,538 square miles. The population, in 1864, was 350,000, of whom 150,000 were foreigners. The President is elected for four years. The Legislative branch of the Government consists of a Senate and House of Representatives.

*Venezuela.*—Venezuela is one of the Republics of South America, with an area of 426,712 square miles. Her population, in 1858, was 1,565,000. The Republic is divided into twenty States. The Executive and Legislative duties of the Republic are vested in a President, Senate, and House of Representatives.

*Colombia* (*United States of*) *Republic.*—This is a Federal Republic of Central America, composed of nine separate States. Each claims to be *sovereign*. These States formerly composed the Government of New Granada. It embraces the States of Antioquia, Bolivar, Boyaca, Cauca, Cundinamarca, Magdalena, Panama, Santander, and Tolima. It extends from the Atlantic to the Pacific ocean. Colon, (Aspinwall,) on the Atlantic, and Panama, on the Pacific, being connected by railroad, form the great highway between New York and San Francisco. A new Constitution was adopted in 1863. The President is elected by a majority of the States. The Legislative powers are vested in a Senate and Chamber of Representatives. The former consists of twenty-seven members—three from each State, and the latter is composed of one Representative for each 50,000 inhabitants, and every fraction not less than 20,000. Colombia has an area

of about 513,000 English square miles. Her population is 2,794,473, not including uncivilized Indians, who number about 126,000. Of the population, 1,357,000 are Europeans, 600,000 the descendants of Europeans and Indians, 90,000 Africans, and all others 465,000.

*Costa Rica.*—Costa Rica is a Republic of Central America. Its area is 21,440 square miles, and the population, in 1864, was 120,471. A President and Vice-President are elected for three years. The Legislative powers are vested in a Senate, composed of twenty-five members, and House of Representatives, of twenty-nine members. The Capital is San José. It has a population of something over 30,000 inhabitants.

*Guatemala.*—A Republic of Central America, and has an area of 44,500 square miles. It is bounded on the north by the Republic of Mexico and the Gulf of Honduras, on the east by the Caribbean Sea, and south and west by the Pacific Ocean. Its population is something over 1,000,000. The population of the Capital, Guatemala, is over 60,000. The President is elected for four years. The Legislative department of the Republic consists of a Council of State, of twelve members, and a House of Representatives, consisting of fifty-four members, elected for six years. Its independence from Spain was effected in 1821.

*Honduras*—Is a Republic of Central America, with an area of 33,000 square miles. Its population is about 350,000. The President is elected for four years. The Legislative powers are vested in a Senate and House of Representatives. The Senate is composed of seven members, and the House of eleven members. Comayagua, the Capital, has about 18,000 inhabitants.

*Nicaragua.*—Nicaragua is a Republic of Central America, with an area of 39,000 square miles. The population is about 400,000. Managua, the Capital, contains about 10,000 inhabitants. A President is elected for the term of four years. There is a Senate and House of Representatives, elected by the people.

*San Salvador*—A Republic of Central America, has an area of 7,500 square miles. Her population is about 600,000. The President is elected for four years. San Salvador gained her independence from Spain in 1821. The Senate is composed of twelve members, and the House of Representatives of twenty-four members. Sessions are held biennially. San Salvador is the Capital.

*Mexico.*—The Republic of Mexico has an area of 829,916 square miles. Its population, in 1861, was 7,360,000. The Executive power is vested in a President, who is elected for four years. The Legislative powers are vested in a Congress, elected by the people. It numbers 184. Mexico is bounded on the north by the United States, on the east by the Gulf of Mexico, and on the south and west by the Pacific Ocean.

*Hayti*—Is a negro Republic of the West Indies, forming a portion of the Island of San Domingo. Its area is 10,081 square miles. Population 572,000, chiefly of African descent. They speak the French language generally. Port au Prince, the Capital, has a population of 21,000 inhabitants. Hayti has passed through many bloody revolutions, which commenced as early as 1791. Its Republican character was established in 1820, since which time it has passed through many phases of government, having as rulers Dictators, Emperors and Presidents. The last royal claim laid

to it was the act of General Santa Anna attempting to cede it to the Spanish Government in 1861. A new Constitution was adopted in 1867. By this the President is elected by the people for four years. He must be the son of a Haytien father, and must have attained the age of thirty-six years; must be a land owner in the Republic, and is ineligible for the next four years after the expiration of his office. Suffrage is extended to all male citizens twenty-one years of age, who are "engaged in some industrial calling." The Legislative powers are vested in a Senate of thirty members, who are elected for six years by the House of Representatives, from a list of candidates chosen by an Electoral College. Representatives are elected for three years; must be twenty-five years of age, and land owners in Hayti.

*San Domingo, or the Dominican Republic.*—This Republic dates only from the year 1844. It comprises the eastern portion of the island of Hayti, in the West Indies. It is divided into five provinces. Its area is 22,000 square miles. The population is estimated at 200,000, mostly negroes and their descendants. There is no distinction of race or color by the Constitution or laws.

# APPENDIX.

PRESIDENTS OF THE CONTINENTAL CONGRESS UNDER THE ARTICLES OF CONFEDERATION.

*First Congress*, September 5th, 1774.—Peyton Randolph, of Virginia, President. Born in 1723, in Virginia; died in Philadelphia, October 22d, 1785.

*Second Congress*, May 10th, 1775.—Peyton Randolph, President. Resigned May 24th, 1775.

John Hancock, of Massachusetts, was elected his successor. Born at Quincy, Mass., 1737; died October 8th, 1793. He was President of Congress to October, 1777. (In his official capacity he first signed the Declaration of Independence.)

Henry Laurens, of South Carolina, President from November 1st, 1777, to December, 1778. Born at Charleston, South Carolina, in 1724; died December, 1792.

John Jay, of New York, President from December 10th, 1778, to September 27th, 1779. Born in New York, December 12th, 1745; died at New York, May 17th, 1829.

Samuel Huntington, of Connecticut, President from September 28th, 1779, to July 10th, 1781. Born in Connecticut, 1732; died 1796.

Thomas McKean, of Pennsylvania, President from July, 1781, to November 5th, 1781. Born in Pennsylvania, March 19th, 1734; died June 24th, 1817.

John Hanson, of Maryland, President from November 5th, 1781, to November 4th, 1782.

Elias Boudinot, of New Jersey, President from November 4th, 1782, to February 4th, 1783. Born at Philadelphia, May 2d, 1740; died in 1824.

Thomas Mifflin, of Pennsylvania, President from February 4th, 1783, to November 30th, 1784. Born at Philadelphia, in 1744; died January 21st, 1800.

Richard Henry Lee, of Virginia, President from November 30th, 1784, to November 23d, 1785. Born in Virginia, in 1732; died in 1794.

John Hancock, of Massachusetts, President from November 23d, 1785, to June, 1786.

Nathaniel Gorham, of Massachusetts, President from June

6th, 1786, to February 2d, 1787. Born at Charleston, Mass., 1738; died June 11th, 1796.

Arthur St. Clair, of Pennsylvania, President from February 2d, 1787, to January 28th, 1788. Born in Edinburgh, Scotland; died in 1818.

Cyrus Griffin, of Virginia, President from January 28th, 1788, to the close of the last Congress under the Confederation, in 1789. Born in England, in 1748; died in 1810.

PRESIDENTS OF THE UNITED STATES UNDER THE CONSTITUTION.

[Elected by the people unanimously.]

1789 to 1793.—George Washington, of Virginia, President, inaugurated April 30th, 1789. Born at Wakefield, Virginia, February 22d, 1732; died at Mount Vernon, December 14th, 1799. Vice-President, John Adams, of Massachusetts. Born at Braintree, Mass., October 19th, 1735; died July 4th, 1826.

*Electoral Vote.*—George Washington, 69; John Adams, 34; John Jay, 9; R. H. Harrison, 6; John Rutledge, 6; John Hancock, 4; Geo. Clinton, 3; Samuel Huntington, 2; John Milton, 2; James Armstrong, 1; Edward Telfair, 1; Benj. Lincoln, 1—Total, 69. But eleven States voted, Rhode Island and North Carolina, not having then ratified the Federal Constitution, did not vote.

[Elected by the people unanimously.]

1793 to 1797.—George Washington, President, inaugurated March 4th, 1793. Vice-President, John Adams.

*Electoral Vote.*—George Washington, 132; John Adams, 77; George Clinton, 50; Thomas Jefferson, 4; Aaron Burr, 1—Total, 132. Fifteen States voted.

[Adams elected by the Federalists, Jefferson by the Democrats—then called Republicans.]

1797 to 1801.—John Adams, of Massachusetts, President, inaugurated March 4th, 1797. Vice-President, Thomas Jefferson, of Virginia. Born at Shadwell, Virginia, April 13th, 1743; died July 4th, 1826.

*Electoral Vote.*—John Adams, 71; Thomas Jefferson, 68; Aaron Burr, 30; Samuel Adams, 15; Oliver Ellsworth, 11; Geo. Clinton, 7; John Jay, 5; James Iredell, 3; George Washington, 2; John Henry, 2; S. Johnson, 2; Charles C. Pinckney, 1—Total, 138. Sixteen States voting.

[Elected by the House of Representatives.]

1801 to 1805.—Thomas Jefferson, of Virginia, President, inaugurated March 4th, 1801. Vice-President, Aaron Burr, of New York. Born at Newark, New Jersey, February 6th, 1756; died September 14th, 1836.

*Electoral Vote.*—Thomas Jefferson, 73; Aaron Burr, 73; John Adams, 65; Charles C. Pinckney, 64; John Jay, 1—Total, 138. Sixteen States voting.

Jefferson and Burr having received a tie vote—the highest cast—there was no election. Under the rules, the final election

was carried to the House of Representatives, when, after 36 ballots being had, Mr. Jefferson was chosen President, and Aaron Burr, Vice-President.

After this, the Constitution was amended so that the President and Vice-President were separately voted for, instead of the *second* highest being Vice-President, as under the former rule.

[Elected by the Democrats—then called Republicans.]

1805 to 1809.—Thomas Jefferson, President, inaugurated March 4th, 1805. Vice-President, George Clinton. Born in New York, 1739; died April 20th, 1812.

*Electoral Vote.*—For President, Thomas Jefferson, 162; Charles C. Pinckney, 14—Total, 176. Seventeen States voted. For Vice-President, George Clinton, 162; Rufus King, 14.

[Elected by the Democrats—then called Republicans.]

1809 to 1813.—James Madison, of Virginia, President, inaugurated March 4th, 1809. Born March 16th, 1751, in Virginia; died June 28th, 1836. Vice-President, George Clinton, of New York. He died April 20th, 1812.

*Electoral Vote.*—For President, James Madison, 122; George Clinton, 6; C. C. Pinckney, 47—Total, 175. Seventeen States voted. For Vice-President, George Clinton, 113; James Madison, 3; James Monroe, 3; John Langdon, 9; Rufus King, 47.

[Elected by the Democrats—then called Republicans.]

1813 to 1817.—James Madison, of Virginia, President, inaugurated March 4th, 1813. Vice-President, Elbridge Gerry, of Massachusetts. Born in Mass., July 17th, 1744; died November 23d, 1814.

*Electoral Vote.*—For President, James Madison, 128; De Witt Clinton, of New York, 89—Total, 217. Eighteen States voted. For Vice-President, Elbridge Gerry, 131; Jared Ingersoll, 86.

[Elected by the Democrats—then called Republicans.]

1817 to 1821.—James Monroe, of Virginia, President, inaugurated March 4th, 1817. Born in Virginia, 1759; died July 4th, 1831. Vice-President, Daniel D. Tompkins, of New York. Born June 21st, 1774, in New York; died June 11th, 1825.

*Electoral Vote.*—For President, James Monroe, 183; Rufus King, 34—Total, 221. Nineteen States voted. For Vice-President, Daniel D. Tompkins, 183; John E. Howard, 22; James Ross, 5; John Marshall, 4; Robert G. Harper, 3.

[Elected by the Democrats—then called Republicans.]

1821 to 1825.—James Monroe, President, inaugurated March 4th, 1821. Vice-President, Daniel D. Tompkins.

*Electoral Vote.*—For President, James Monroe, 231; John Quincy Adams, of Mass., 1—Total, 232. Twenty-four States voted. For Vice-President, Daniel D. Tompkins, 218; Richard Stockton, 8; Robert G. Harper, 1; Richard Rush, 1; Daniel Rodney, 1.

[Elected by the House of Representatives—Democratic.]

1825 to 1829.—John Quincy Adams, of Massachusetts, President, inaugurated March 4th, 1825. Born in Mass., July 11th, 1767; died February 23d, 1848. Vice-President, John C. Calhoun, of South Carolina. Born in South Carolina, March 18th, 1782; died March 31st, 1850.

*Electoral Vote.*—For President, Andrew Jackson, 99; John Quincy Adams, 84; Wm. H. Crawford, 41; Henry Clay, 37—Total, 261. Twenty-four States voted.

There being no election, the vote was carried to the House of Representatives. Adams received the vote of thirteen States, Jackson that of seven States, and Crawford of four States. Adams was therefore chosen President.

Electoral vote for Vice-President.—John C. Calhoun, 182; Nathan Sanford, 30; Nathaniel Macon, 24; Andrew Jackson, 13; Martin Van Buren, 9; Henry Clay, 2.

[Elected by the Democrats—then called Republicans.]

1829 to 1833.—Andrew Jackson, of Tennessee, President, inaugurated March 4th, 1829. Born in North Carolina, March 15th, 1767; died June 8th, 1845. Vice-President, John C. Calhoun, until his resignation, December 28th, 1832.

*Electoral Vote.*—For President, Andrew Jackson, 178; John Q. Adams, 83—Total, 261. Twenty-four States voted.

*Popular Vote.*—Jackson, 650,028; Adams, 512,158.

[Elected by the Democrats.]

1833 to 1837.—Andrew Jackson, President, inaugurated March 4th, 1833. Vice-President, Martin Van Buren. Born in New York, December 5th, 1782.

*Electoral Vote.*—For President, Andrew Jackson, 219; Henry Clay, 49; John Floyd, 11; Wm. Wirt, 7—Total, 288. Twenty-four States voted.

*Popular Vote.*—Jackson, 687,502; Henry Clay, 550,189; Wirt and Floyd combined, 33,108.

Electoral vote for Vice-President.—Martin Van Buren, 189; John Sargent, 49; Wm. Wilkins, 30; Henry Lee, 11; Amos Ellmaker, 7.

[Elected by the Democrats.]

1837 to 1841.—Martin Van Buren, President, inaugurated March 4th, 1837. Vice-President, Richard M. Johnson, of Kentucky. Born in 1780; died November 19th, 1850.

*Electoral Vote.*—For President, Martin Van Buren, 170; W H. Harrison, 73; Hugh L. White, 26; Daniel Webster, 14; W. P. Mangum, 11—Total, 294. Twenty-six States voted.

*Popular Vote.*—Van Buren, 762,149. Daniel Webster, W. P. Mangum, and H. L. White combined, 736,736.

Electoral vote for Vice-President.—Richard M. Johnson, 147; Francis Granger, 77; John Tyler, 47; Wm. Smith, 23.

[Elected by the Whigs.]

1841 to 1845.—President, William H. Harrison, of Ohio, inaugurated March 4th, 1841. Born in Virginia, February 9th, 1773; died at Washington, April 4th, 1841, just one month after he took his seat as President. John Tyler, who was elected Vice-President with Harrison, became President on the death of the former. He took the oath of office April 6th, 1841.

*Electoral Vote.*—For President, Harrison, 234; Van Buren, 60—Total, 294. Twenty-six States voted. For Vice-President, John Tyler, 234; R. M. Johnson, 48; L. W. Tazwell, 11; James K. Polk, 1.

*Popular Vote.*—Harrison, 1,274,783; Van Buren, 1,128,702; James G. Birney, (Abolitionist,) 7,609.

[Elected by the Democrats.]

1845 to 1849.—President, James K. Polk, of Tennessee, inaugurated March 4th, 1845. Born in North Carolina, November 2d, 1795; died June 15th, 1849. Vice-President, George M. Dallas, of Pennsylvania.

*Electoral Vote.*—For President, James K. Polk, 170; Henry Clay, 105—Total, 275. Twenty-six States voted. For Vice-President, George M. Dallas, 170; Theodore Frelinghuysen, 105.

*Popular Vote.*—Polk, 1,335,834; Clay, 1,297,033; Birney, 62,290.

[Elected by the Whigs.]

1849 to 1853.—President, Zachary Taylor, of Louisiana, inaugurated March 4th, 1849. Born in Virginia, in 1784; died July 9th, 1850. Vice-President, Millard Fillmore, of New York. Born in New York, January 7th, 1800. Taylor having died about one year after taking his seat as President, was succeeded by Mr. Fillmore, who was elected Vice-President with him.

*Electoral Vote.*—For President, Z. Taylor, 163; Lewis Cass, 127—Total, 290. Thirty States voted. For Vice-President, Millard Fillmore, 163; W. O. Butler, 127.

*Popular Vote.*—Taylor, 1,362,031; Cass, 1,222,445; Van Buren, 291,455. The latter run as a "Free Soiler."

[Elected by the Democrats.]

1853 to 1857.—President, Franklin Pierce, of New Hampshire, inaugurated March 5th, 1853. Born in New Hampshire, November 23d, 1804. Vice-President, Wm. R. King, of Alabama. Born in North Carolina, April 7th, 1786; died April 18th, 1853.

*Electoral Vote.*—Franklin Pierce, 254; Winfield Scott, 42—Total, 296. Thirty-one States voted. For Vice-President, W. R. King, 254; W. A. Graham, 42.

*Popular Vote.*—Franklin Pierce, 1,590,490; Winfield Scott, 1,378,589; John P. Hale, (Abolitionist,) 157,296.

[Elected by the Democrats.]

1857 to 1861.—President, James Buchanan, of Pennsylvania, inaugurated March 4th, 1857. Born in Pennsylvania, April 22d, 1791; died June 2d, 1868. Vice-President, John C. Breckinridge, of Kentucky. Born in Kentucky, January 21st, 1820.

*Electoral Vote.*—For President, James Buchanan, 174; John C. Fremont, 109; Millard Fillmore, 8—Total, 291. Thirty-one States voted. For Vice-President, John C. Breckinridge, 174; W. L. Dayton, 109; A. J. Donalson, 8.

*Popular Vote.*—Buchanan, (Democrat,) 1,832,232; Fremont, (Republican,) 1,341,514; Millard Fillmore, (American,) 874,707.

[Elected by the Republicans.]

1861 to 1865.—President, Abraham Lincoln, of Illinois, inaugurated March 4th, 1861. Born in Hardin county, Kentucky, February 12th, 1809; died April 14th, 1865. Vice-President, Hannibal Hamlin, of Maine. Born in Maine, August 27th, 1809.

*Electoral Vote.*—For President, Abraham Lincoln, 180; John C. Breckinridge, 72; John Bell, 39; Stephen A. Douglas, 12—Total, 291. Thirty-three States voted. For Vice-President, H. Hamlin, 180; Joseph Lane, 72; Edward Everett, 39; H. V. Johnson, 12.

*Popular Vote.*—Abraham Lincoln, (Republican,) 1,857,610; Stephen A. Douglas, (Democrat,) 1,365,976; John C. Breckinridge, (Democrat,) 847,953; John Bell, (Constitutional Union,) 590,631.

[Elected by the Republicans.]

1865 to 1869.—President, Abraham Lincoln, of Illinois, inaugurated March 4th, 1865. Vice-President, Andrew Johnson, of Tennessee. Abraham Lincoln was assassinated at Washington City, by J. Wilkes Booth, on the 14th day of April, 1865, a little more than one month after he had taken his seat as President for the second term. Andrew Johnson, who was elected Vice-President with him, succeeded to the Presidency.

*Electoral Vote.*—For President, Abraham Lincoln, 212; George B. McClellan, 21. For Vice-President, Andrew Johnson, 212; Geo. H. Pendleton, 21.

*Popular Vote.* — Lincoln, 2,223,035; McClellan, 1,811,754. Total vote, 4,034,789. McClellan, in the Electoral College, carried but three States, casting in all, 21 votes—New Jersey, 7; Delaware, 3; Kentucky, 11. Mr. Lincoln carried all the other States—23. The States in rebellion did not participate in this election. The following were the only ones voting: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Kentucky, Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Iowa, California, Minnesota, Oregon, Kansas, West Virginia, and Nevada, making twenty-five States in all.

[Elected by the Republicans.]

1869 to 1873.—Ulysses S. Grant, of Illinois, President, inaugurated March 4th, 1869. Born in Ohio, April 27th, 1822. Vice-President, Schuyler Colfax, of Indiana. Born in New York City, March 23d, 1823.

*Electoral Vote.*—For President, (Republican,) Grant, 214; Seymour, (Democrat,) 80. For Vice-President, Colfax, 214; Blair, 80.

*Popular Vote.*—Grant and Colfax, 3,021,020; Seymour and Blair, 2,716,475. Total, 5,737,495. Thirty-four States voted. The Legislature of Florida elected the Electors of that State. Virginia, Mississippi, and Texas not having adopted Constitutions in conformity with the requirements of Congress, did not participate in the election of 1868.

PRESIDENTIAL ELECTION OF 1868—(34 STATES.)

The following table will show the total vote cast at the Presidential election in 1868—the vote by States for Grant and Seymour, the majorities for each, the total Electoral vote, as cast by the several States, total number of Senators and Representatives in the XLIst Congress, with numbers to which each State is entitled, and the political party which they represent:

| STATES. | ELECT'L COLLEGE. | | POPULAR VOTE. | | | XLIst CONGRESS. | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Grant..... | Seymour..... | Grant..... | Seymour..... | Grant's Majority..... | Senators, No.. | Republican... | Democrat..... | Congressmen, No..... | Republican... | Democrat..... |
| Alabama | 8 | ..... | ‡76,366 | 72 086 | 4.280 | 2 | 2 | ..... | 6 | §..... | ..... |
| Arkansas | 5 | ..... | ‡33.000 | 23,000 | 10,000 | 2 | 2 | ..... | 3 | 1 | 2 |
| California | 5 | ..... | 54,575 | 54.069 | 506 | 2 | 1 | 1 | 3 | 1 | 2 |
| Connecticut | 6 | ..... | 50,595 | 47,972 | 3,013 | 2 | 2 | ..... | 4 | ‖1 | 3 |
| Delaware | ..... | 3 | 7,615 | 10,960 | *3,345 | 2 | ..... | 2 | 1 | ..... | 1 |
| †Florida | 3 | ..... | 15,000 | 12,000 | 3,000 | 2 | 2 | ..... | 1 | 1 | ..... |
| Georgia | ..... | 9 | 57,134 | 102,822 | *45,688 | 2 | 1 | 1 | 7 | 2 | 5 |
| Illinois | 16 | ..... | 250,293 | 199,143 | 51,150 | 2 | 2 | ..... | 14 | 10 | 4 |
| Indiana | 13 | ..... | 176,548 | 166,960 | 9,588 | 2 | 2 | ..... | 11 | 7 | 4 |
| Iowa | 8 | ..... | 119,239 | 73,420 | 45,869 | 2 | 2 | ..... | 6 | 6 | ..... |
| Kansas | 3 | ..... | 29,708 | 13,400 | 16,308 | 2 | 2 | ..... | 1 | 1 | ..... |
| Kentucky | ..... | 11 | 39,569 | 115,889 | *76,320 | 2 | ..... | 2 | 9 | 1 | 8 |
| Louisiana | ..... | 7 | 34,224 | 74,672 | *40,448 | 2 | 2 | ..... | 5 | ..... | 5 |
| Maine | 7 | ..... | 70,426 | 42.396 | 28,030 | 2 | 2 | ..... | 5 | 5 | ..... |
| Maryland | ..... | 7 | 30,435 | 62,340 | *31,913 | 2 | ..... | 2 | 5 | 1 | 4 |
| Massachusetts | 12 | ..... | 136,582 | 59,221 | 77,361 | 2 | 2 | ..... | 10 | 10 | ..... |
| Michigan | 8 | ..... | 126 901 | 95,929 | 30,972 | 2 | 2 | ..... | 6 | 6 | ..... |
| Minnesota | 4 | ..... | 43,413 | 28,030 | 15,383 | 2 | 1 | 1 | 2 | 2 | ..... |
| Mississippi | ..... | ..... | [No | Vote.] | ..... | [Va | cant] | | ¶5 | [No | Mb'rs |
| Missouri | 11 | ..... | 95,000 | 70,569 | 24,431 | 2 | 2 | ..... | 9 | 5 | 4 |
| Nebraska | 3 | ..... | 9,729 | 5,439 | 4,290 | 2 | 2 | ..... | 1 | 1 | ..... |
| Nevada | 3 | ..... | 6,476 | 5,215 | 1.261 | 2 | 2 | ..... | 1 | 1 | ..... |
| New Hampshire | 5 | ..... | 37,718 | 30,571 | 7,147 | 2 | 2 | ..... | 3 | 3 | ..... |
| New Jersey | ..... | 7 | 79,871 | 82,725 | *2.854 | 2 | 1 | 1 | 5 | 2 | 3 |
| New York | ..... | 33 | 419,894 | 429,857 | *9.963 | 2 | 2 | ..... | 31 | 18 | 13 |
| North Carolina | 9 | ..... | 96.488 | 85,311 | 11.177 | 2 | 2 | ..... | 7 | 5 | 2 |
| Ohio | 21 | ..... | 280,322 | 239,032 | 41.290 | 2 | 1 | 1 | 19 | 13 | 6 |
| Oregon | ..... | 3 | 10,961 | 11,125 | *164 | 2 | 2 | ..... | 1 | ..... | 1 |
| Pennsylvania | 26 | ..... | 342,280 | 313,382 | 28.898 | 2 | 2 | ..... | 24 | 16 | 8 |
| Rhode Island | 4 | ..... | 12,993 | 6,548 | 6,445 | 2 | 2 | ..... | 1 | 1 | ..... |
| South Carolina | 6 | ..... | ‡62,300 | 45,137 | 17,163 | 2 | 2 | ..... | 4 | 3 | 1 |
| Tennessee | 11 | ..... | 52,016 | 25,652 | 26,364 | 2 | 2 | ..... | 9 | 9 | ..... |
| Texas | ..... | ..... | [No | Vote.] | ..... | [Va | cant] | | ¶4 | [No | Mb'rs |
| Vermont | 5 | ..... | 44.167 | 12.045 | 32,122 | 2 | 2 | ..... | 3 | 3 | ..... |
| Virginia | ..... | ..... | [No | Vote.] | ..... | [Va | cant] | | ¶8 | [No | Mb'rs |
| West Virginia | 5 | ..... | ‡27,000 | 18,000 | 9.000 | 2 | 2 | ..... | 3 | 3 | ..... |
| Wisconsin | 8 | ..... | 108.293 | 84.707 | 23,585 | 2 | 2 | ..... | 6 | 5 | 1 |
| | 214 | 80 | 3,037,581 | 2,719 613 | 317,968 | 74 | 57 | 11 | 226 | 143 | 77 |

*Democratic majority. †Electors chosen by Legislature. ‡Unofficial. §No Election February, 1869; at present all Republican. ‖Election in April, 1869. ¶Vacant.

Whole number in Congress when Mississippi, Texas and Virginia are represented, 243.

Grand total, 5,757,194. Total Electoral vote, 294, (34 States.) The Electoral College, when Virginia, Mississippi, and Texas are added, will be 318. The Federal Constitution regulates and defines the number of Senators and Representatives that each State shall have in Congress. Each State shall have two Senators only, however large or small her population, and shall be entitled to one Representative in the lower House, however small her population, and as many in addition as will not exceed in all one for every thirty thousand of her population. Each Territory is entitled to one Representative in the lower House, but is not entitled to representation in the Senate. Senators are elected for six years, and Representatives for two years.

*Salaries of Federal Officers.*—President, $25,000 per annum; Vice-President, $8,000. The Cabinet—Secretary of State, Secretary of the Treasury, Secretary of War, Secretary of the Navy, Secretary of the Interior, Attorney-General, and Postmaster-General, $8,000 each. Supreme Court of the United States—Chief Justice, $6,500; eight Associate Justices, $6,000 each. Senators, $5,000; Representatives, $5,000, and 20 cents per mile as mileage. $8 per diem is deducted from the salary for each day's absence, unless caused by sickness.

### POPULATION OF THE UNITED STATES.

First census, in 1790, was 3,929,827, as follows: 3,231,927 whites, and 697,897 blacks. The eight Northern States had 40,370 blacks, and the eight Southern States 657,527 blacks, as follows:

| NORTHERN. | *White.* | *Slave.* |
|---|---|---|
| New Hampshire | 141,741 | 158 |
| Vermont | 85,399 | 17 |
| Rhode Island | 68,158 | 952 |
| Connecticut | 235,382 | 2,759 |
| Massachusetts | 378,717 | none |
| New York | 318,796 | 21,324 |
| New Jersey | 172,716 | 11,423 |
| Pennsylvania | 430,636 | 3,737 |
| Territory of Maine | 96,540 | none |
| | 1,928,085 | 40,370 |

| SOUTHERN. | *White.* | *Slave.* |
|---|---|---|
| Delaware | 50,209 | 8,887 |
| Maryland | 216,693 | 103,036 |
| Virginia | 454,881 | 293,427 |
| North Carolina | 293,179 | 100,572 |
| South Carolina | 141,979 | 107,094 |
| Georgia | 53,284 | 29,264 |
| Kentucky | 61,247 | 11,830 |
| Tennessee | 32,374 | 3,417 |
| | 1,303,845 | 657,527 |

The Territory of Maine had a population of 96,540 of all classes, which is added in the population of white. Total black and white in the eight Northern States, 1,968,455. Total black and white in the eight Southern States, 1,961,372.

An enumeration of the inhabitants of the United States, by law of Congress, is taken at the end of each ten years. The first enumeration was taken in 1790; the last in 1860. The following table will show the entire population, black and white, free and slave, in 1860, in all the States and Territories of the Union. The total population in 1700, was 262,000; in 1750, 1,000,000; in 1775, 2,389,300; in 1790 it had reached 3,929,827; and in 1860, 31,443,790. Of this number the fifteen Slave States had

12,996,459, and the nineteen Free States 18,947,331. The population of the eleven rebellious States was 9,056,930, being 5,449,463 whites, and 3,607,467 colored.

CENSUS OF 1860.

| States. | Area, Square Miles | White. | Free Colored. | Slave. | Total. |
|---|---|---|---|---|---|
| Alabama | 50,722 | 526,534 | 2,630 | 435,132 | 964,296 |
| Arkansas | 52,198 | 324,186 | 137 | 111,104 | 435,427 |
| California | 188,981 | 376,200 | 3,816 | ..... | 380,016 |
| Connecticut | 4,750 | 451,609 | 8,542 | ..... | 460,151 |
| Delaware | 2,120 | 90,697 | 19,723 | 1,798 | 112,218 |
| Florida | 59,248 | 77,778 | 908 | 61,753 | 140,439 |
| Georgia | 58,000 | 591,638 | 3,459 | 462,232 | 1,057,329 |
| Illinois | 55,410 | 1,704,684 | 7,069 | ..... | 1,711,753 |
| Indiana | 33,809 | 1,340,072 | 10,869 | ..... | 1,350,941 |
| Iowa | 55,045 | 673,925 | 1,023 | ..... | 674,948 |
| Kansas | 81,318 | 106,487 | 623 | ..... | 107,110 |
| Kentucky | 37,680 | 920,077 | 10,146 | 235,490 | 1,155,713 |
| Louisiana | 41,346 | 357,652 | 18,638 | 333,010 | 709,290 |
| Maine | 35,000 | 627,081 | 1,195 | ..... | 628,276 |
| Maryland | 11,124 | 516,128 | 83,718 | 87,188 | 687,034 |
| Massachusetts | 7,800 | 1,221,611 | 9,454 | ..... | 1,231,065 |
| Michigan | 56,451 | 742,289 | 6,823 | ..... | 759,112 |
| Minnesota | 83,531 | 171,793 | 229 | ..... | 172,022 |
| Mississippi | 47,156 | 353,969 | 731 | 436,696 | 791,396 |
| Missouri | 65,350 | 1,064,369 | 2,983 | 114,965 | 1,182,317 |
| Nebraska | 75,995 | 28,696 | 82 | ..... | 38,778 |
| New Hampshire | 9,280 | 325,622 | 450 | ..... | 326,072 |
| New Jersey | 8,320 | 647,084 | 24,947 | ..... | 672,031 |
| New York | 47,000 | 3,831,730 | 49,005 | ..... | 3,880,735 |
| Nevada | 81,539 | 6,813 | 45 | ..... | 6,857 |
| North Carolina | 50,704 | 631,489 | 30,097 | 331,081 | 992,667 |
| Ohio | 39,964 | 2,303,374 | 36,225 | ..... | 2,339,599 |
| Oregon | 95,274 | 52,343 | 121 | ..... | 52,464 |
| Pennsylvania | 46,000 | 2,849,997 | 56,373 | ..... | 2,906,370 |
| Rhode Island | 1,306 | 170,703 | 3,918 | ..... | 174,621 |
| South Carolina | 34,000 | 291,623 | 9,648 | 402,541 | 703,812 |
| Tennessee | 45,600 | 826,828 | 7,235 | 275,784 | 1,109,847 |
| Texas | 274,356 | 421,411 | 339 | 180,682 | 602,432 |
| Vermont | 10,212 | 314,534 | 582 | ..... | 315,116 |
| Virginia | 38,352 | 1,047,613 | 57,579 | 490,887 | 1,596,079 |
| West Virginia | 23,000 | | | | |
| Wisconsin | 53,924 | 774,392 | 1,481 | ..... | 775,873 |
| Total | | 26,727,512 | 470,716 | 3,950,343 | 31,148,571 |
| Territories. | | | | | |
| Colorado | 105,818 | 34,153 | 44 | ..... | 34,197 |
| Dakota | 152,500 | 4,839 | ..... | ..... | 4,839 |
| Arizona | 130,800 | ..... | ..... | ..... | ..... |
| Idaho | 300,000 | ..... | ..... | ..... | ..... |
| Indian | 71,000 | ..... | ..... | ..... | ..... |
| Montana | Unknown. | ..... | ..... | ..... | ..... |
| New Mexico | 124,450 | 93,447 | 70 | 24 | 93,541 |
| Utah | 109,600 | 40,236 | 30 | 29 | 40,295 |
| Washington | 71,300 | 11,548 | 30 | ..... | 11,578 |
| District of Columbia | 50 | 60,788 | 11,107 | 3,181 | 75,076 |
| Total | | 27,008,081 | 482,122 | 3,953,587 | 31,443,790 |
| Alaska | 578,000 | 2,000 | †60,000 | | |
| St. John's | 22 | *2,500 | | | |
| St. Thomas | 27 | *14,000 | | | |
| Total area | 3,590,062 | | | | |

* All classes. † Indians.

The enumeration of population in all the above cases is made from the census of 1860, with the exception of Alaska, St. John's and St. Thomas, which is calculated in 1868. The area of the Territories is as it was in 1868.

COMPOSITION OF THE AMERICAN POPULATION.

The composition of the American population here given is

based upon the census of 1860, and will not include its increase since that period. There were in 1860, 4,131,812 white foreign born (including Indians and Chinese) and 4,363 free colored foreigners, making a total of 4,136,175. There were 22,869,679 white native born (including Indians and Chinese) and 483,707 free colored, making a total of 23,353,386 native born, and 3,952,801 slaves—making the grand total population 31,429,891.

The following table will show the numbers of foreign nationalities in the United States in 1860:

| | | | | | |
|---|---|---|---|---|---|
| Ireland | 1,611,304 | China | 35,565 | G. Britain, not spe'd | 1,802 |
| German States total. | 1,301,136 | Holland | 28,281 | Australia | 1,419 |
| Germany, not spec'd | 593,332 | Mexico | 27,446 | Europe, not specified | 1,403 |
| England | 431,692 | Austria | 25,061 | Other countries | 1,366 |
| British America | 249,970 | Sweden | 18,627 | Atlantic Isles | 1,361 |
| Prussia | 227,661 | Italy | 10,518 | Asia | 1,231 |
| Bavaria | 150,165 | Nassau | 10,237 | Sardinia | 1,159 |
| Baden | 112,834 | Denmark | 9,962 | Africa | 526 |
| France | 109,870 | Belgium | 9,072 | Sandwich Islands | 435 |
| Scotland | 108,518 | West Indies | 7,353 | Greece | 328 |
| Hesse | 95,46 | Poland | 7,298 | Pacific Isles | 286 |
| Wirtemberg | 81,336 | Spain | 4,244 | Central America | 233 |
| Switzerland | 53,327 | Portugal | 4,116 | Turkey | 128 |
| Wales | 45,763 | South America | 3,263 | | |
| Norway | 43,995 | Russia | 3,160 | Total | 4,136,175 |

The total number of foreign passengers who arrived by sea in the United States, from September 30th, 1819, to December 31st, 1860, was 5,062,414. Of these 2,977,603 were males, 2,035,536 were females, and 49,275, sex not stated.

An interesting feature of our population in 1860 was the fact that within the Union there were 440 white persons living over the age of one hundred years. Of these 73 were 101, 65 were 102, 56 were 103, 47 were 104, 52 were 105, 36 were 106, 28 were 107, 14 were 108, 9 were 109, 28 were 110, 3 were 111, 4 were 112, 2 were 113, 1 was 114, 6 were 115, 3 were 116, 1 was 117, 1 was 118, 2 were 119, 2 were 120, 1 was 121, 1 was 124, 2 were 125, 1 was 126, 1 was 135, a male, and one was 140, a female. Of this total number, 184 were males and 256 females.

There were also 688 blacks in the United States over one hundred years of age, 295 males and 393 females—the oldest being 130 years. There were five persons of that age—two males and three females.

There were also in the United States, in 1860, 46 mulattoes over one hundred years of age — 13 males and 33 females; the oldest was 117—there were two of this age, 1 male and 1 female.

There were also at this period 26 native Indians (so far as known) over one hundred years of age—15 males and 11 females. The oldest male was 115 years; there was one female of 120, one of 125, and 1, the oldest of all, of 140 years.

It will be seen from these tables that women in general attain a greater age than men.

Of the American population there were 730,000 more males than females, while in Great Britain, at the same time, there were 877,000 more females than males, in a population of about twenty-nine million.

The following table will show the whole number of native born citizens contributed by each State to the whole United States, up to 1860:

| | | | | | |
|---|---|---|---|---|---|
| New York | 3,469,492 | Georgia | 665,719 | Louisiana | 241,268 |
| Pennsylvania | 2,862,516 | Maryland | 618,319 | Mississippi | 264,847 |
| Ohio | 2,122,603 | New Jersey | 612,034 | Iowa | 228,683 |
| Virginia | 1,401,410 | Missouri | 564,289 | Texas | 160,599 |
| Kentucky | 1,053,474 | Connecticut | 476,310 | Rhode Island | 155,264 |
| Massachusetts | 1,040,585 | South Carolina | 470,257 | Arkansas | 148,376 |
| Tennessee | 1,005,345 | Alabama | 457,766 | Delaware | 117,362 |
| Indiana | 990,262 | Vermont | 413,852 | Territories | 110,578 |
| North Carolina | 906,826 | New Hampshire | 382,521 | District of Columbia | 42,484 |
| Illinois | 841,661 | Not stated | 49,265 | Oregon | 17,910 |
| California | 81,597 | Minnesota | 37,615 | | |
| Florida | 42,372 | At sea | 2,618 | Total | 23,353,386 |
| Kansas | 13,056 | Michigan | 330,023 | | |
| Maine | 676,066 | Wisconsin | 278,362 | | |

The following table will show the number of native born inhabitants contributed by each State to all the other States, up to 1860:

| | | | | | |
|---|---|---|---|---|---|
| New York | 867,032 | Connecticut | 152,538 | Delaware | 32,493 |
| Ohio | 593,043 | New Jersey | 143,019 | Wisconsin | 31,185 |
| Pennsylvania | 582,512 | Alabama | 137,740 | Louisiana | 26,974 |
| Virginia | 399,700 | Maryland | 137,258 | Arkansas | 24,333 |
| Tennessee | 344,756 | Illinois | 134,536 | District of Columbia | 8,479 |
| Kentucky | 331,904 | New Hampshire | 125,539 | Texas | 7,356 |
| North Carolina | 272,606 | Maine | 116,036 | Florida | 6,770 |
| Massachusetts | 235,039 | Missouri | 89,043 | California | 3,890 |
| Indiana | 215,511 | Mississippi | 69,041 | Minnesota | 3,310 |
| South Carolina | 193,389 | Rhode Island | 45,299 | Territories | 2,750 |
| Georgia | 190,223 | Iowa | 37,535 | Kansas | 2,059 |
| Vermont | 174,765 | Michigan | 35,195 | Oregon | 1,346 |

The following table will show the number of native born population which each State has received from all the other States, up to 1860:

| | | | | | |
|---|---|---|---|---|---|
| Illinois | 680,383 | Massachusetts | 165,406 | Connecticut | 55,679 |
| Ohio | 491,697 | California | 155,759 | New Hampshire | 48,153 |
| Indiana | 457,523 | Tennessee | 152,267 | Vermont | 42,268 |
| Missouri | 431,294 | Mississippi | 150,310 | Maryland | 41,263 |
| Iowa | 377,684 | Kentucky | 148,832 | Florida | 39,768 |
| Michigan | 305,193 | Georgia | 107,921 | Maine | 30,796 |
| New York | 279,635 | Kansas | 83,516 | Oregon | 30,779 |
| Wisconsin | 251,777 | Louisiana | 80,953 | Rhode Island | 27,261 |
| Texas | 225,184 | New Jersey | 80,212 | District of Columbia | 25,406 |
| Alabama | 196,743 | Minnesota | 78,990 | North Carolina | 24,014 |
| Arkansas | 196,551 | Territories | 76,847 | Delaware | 16,384 |
| Pennsylvania | 195,706 | Virginia | 68,685 | South Carolina | 14,448 |

The following table will show the German inhabitants in the several States and Territories in 1860:

| | | | | | |
|---|---|---|---|---|---|
| New York | 256,252 | Texas | 20,553 | Arkansas | 1,143 |
| Ohio | 168,210 | Minnesota | 18,400 | Oregon | 1,078 |
| Pennsylvania | 138,244 | Virginia | 10,512 | Rhode Island | 815 |
| Illinois | 130,804 | Massachusetts | 9,961 | North Carolina | 765 |
| Wisconsin | 123,879 | Connecticut | 8,525 | Colorado | 576 |
| Missouri | 88,487 | Kansas | 4,318 | Washington Territory | 572 |
| Indiana | 66,705 | Tennessee | 3,860 | New Mexico | 569 |
| Maryland | 43,884 | District of Columbia | 3,254 | Florida | 478 |
| Michigan | 38,705 | South Carolina | 2,947 | Nevada | 454 |
| Iowa | 38,555 | Alabama | 2,601 | New Hampshire | 412 |
| New Jersey | 33,772 | Georgia | 2,472 | Maine | 384 |
| Kentucky | 27,227 | Mississippi | 2,008 | Vermont | 219 |
| Louisiana | 24,614 | Nebraska | 1,742 | Utah | 158 |
| California | 21,646 | Delaware | 1,263 | Dakota | 22 |

Total number of Germans in the United States, 1,899,518; total number of Irish, 1,611,304—showing 288,214 more Germans than Irish. Computing the Germans from all the States and Kingdoms of Europe, who are generally known as Germans

in America, they show 2,772,593, making the Germans in America more than double the Irish population. The increase since 1860 in the German population has been very great, and will, at the taking of the census in 1870, show about three Germans to one Irish in the United States.

The following table will show the foreign born population in the several States and Territories in 1860—total, 4,136,175:

| | | | | | |
|---|---|---|---|---|---|
| New York | 998,640 | Maryland | 77,536 | Georgia | 11,671 |
| Pennsylvania | 430,505 | Kentucky | 59,706 | South Carolina | 9,958 |
| Ohio | 328,254 | Minnesota | 53,723 | Delaware | 9,165 |
| Illinois | 324,643 | Texas | 43,122 | Mississippi | 8,552 |
| Wisconsin | 276,927 | Maine | 37,450 | New Mexico | 6,726 |
| Massachusetts | 260,041 | Rhode Island | 37,304 | Nebraska | 6,351 |
| Missouri | 160,541 | Virginia | 35,053 | Oregon | 5,125 |
| Michigan | 149,092 | Vermont | 32,743 | Arkansas | 3,741 |
| California | 146,528 | Tennessee | 21,220 | Florida | 3,009 |
| New Jersey | 122,790 | New Hampshire | 20,938 | North Carolina | 3,297 |
| Indiana | 118,184 | Utah | 12,754 | Washington | 3,144 |
| Iowa | 106,081 | Kansas | 12,691 | Colorado | 2,666 |
| Louisiana | 81,029 | District of Columbia | 12,484 | Nevada | 2,064 |
| Connecticut | 80,696 | Alabama | 12,352 | Dakota | 1,774 |

The following table will show the Irish in the several States and Territories in 1860—making a total of 1,611,304:

| | | | | | |
|---|---|---|---|---|---|
| New York | 498,072 | Maryland | 24,872 | Mississippi | 3,895 |
| Pennsylvania | 201,939 | Indiana | 24,495 | Kansas | 3,888 |
| Massachusetts | 185,434 | Kentucky | 22,249 | Texas | 3,480 |
| Illinois | 87,573 | Virginia | 16,501 | Nebraska | 1,451 |
| Ohio | 76,826 | Maine | 15,290 | Arkansas | 1,312 |
| New Jersey | 62,003 | Vermont | 13,480 | Oregon | 1,266 |
| Connecticut | 55,445 | Minnesota | 12,831 | Washington Territory | 1,217 |
| Wisconsin | 49,961 | New Hampshire | 12,737 | North Carolina | 889 |
| Missouri | 43,464 | Tennessee | 12,498 | Florida | 827 |
| California | 33,147 | District of Columbia | 7,258 | New Mexico | 827 |
| Michigan | 30,049 | Georgia | 6,586 | Nevada | 651 |
| Louisiana | 28,207 | Delaware | 5,832 | Colorado | 624 |
| Iowa | 28,072 | Alabama | 5,664 | Utah | 278 |
| Rhode Island | 25,285 | South Carolina | 4,906 | Dakota | 42 |

How completely Slave labor retarded the settlement of the industrious foreigners in the Slave States may be seen from the foregoing tables, which show that within the fifteen Slave States and the District of Columbia there were in 1860 but 188,448 Irish, while the population of these States was 12,496,459—with a vast and fertile soil and genial climate. At this same period Massachusetts, with her contracted limits, rigid winters, and a population of only 1,231,065, had within her limits 185,434 Irish, almost as many as were within the fifteen Slave States and the District of Columbia.

### PAUPERS AND CRIME IN THE UNITED STATES.

Some startling facts in reference to the great preponderance of pauperism and crime among the foreign population of the United States will here be given, based upon the census of 1860. At that time the whole population of the Union was 31,429,891. Of this number 27,206,187 were native born, including all classes, free and slave. There were at the same time 4,136,175 of foreign birth of all classes in the Republic; thus it will be seen that about one-eighth of the whole American population was of foreign birth.

The whole number of paupers supported during the year 1860

was 321,665, of whom 160,213 were native, and 161,452 were of foreign birth, showing more than eight times as many paupers among the foreign as among the native population. The annual cost of the support of this total number was $5,445,143.

The whole number of criminals convicted within the year was 98,836, of whom 32,933 were natives, and 65,903 were foreigners, showing that among the foreign population more than sixteen criminals were convicted to one among the native born. Several causes contribute to this state of affairs—ignorance of our language, customs and laws; but the greatest of all, and the one most disastrous to America, and disgraceful to those nations practicing the evil, is the transportation of paupers and convicts to the United States, long and extensively practiced by Great Britain, Germany, France and other countries.

TROOPS FURNISHED DURING THE WAR OF 1776.

| Northern States. | *Continentals.* | *Militia.* | Southern States. | *Continentals.* | *Militia.* |
|---|---|---|---|---|---|
| New Hampshire | 12,496 | 2,093 | Delaware | 2,317 | 376 |
| Massachusetts | 68,007 | 15,155 | Maryland | 13,912 | 4,127 |
| Rhode Island | 5,878 | 4,284 | Virginia | 26,668 | 5,620 |
| Connecticut | 32,039 | 7,792 | North Carolina | 7,263 | ..... |
| New York | 18,331 | 3,304 | South Carolina | 6,417 | ..... |
| New Jersey | 10,726 | 6,055 | Georgia | 2,679 | ..... |
| Pennsylvania | 25,608 | 7,357 | | | |
| Total | 173,085 | 46,040 | Total | 59,256 | 10,123 |

Total furnished by the Northern States, 219,125; by the Southern States, 69,377. The whole number of troops in the Revolutionary War was 288,504—there being 232,341 Continentals and 56,163 Militia.

The tables of the population of the States engaged in the war of 1776 will show that the population of what are known as the Northern and Southern States was at that time about equal in the aggregate; but the share that they took in the war of Independence was very unequal indeed. The Northern States, with a population about equal with that of the South, sent into the field 219,125, while the South sent only 69,379; and Massachusetts alone, with a population equal to half that of the State of Virginia, sent 83,162, or 13,783 *more than all the South.*

See "American Conflict," vol. 1, page 36; also, "Collection of New Hampshire Historical Society," for the year 1824, vol. 1, page 236.

UNITED STATES ARMY—1861-5.

Total number of men furnished by each State and Territory to put down the Slaveholders' Rebellion, from its commencement in 1861 to its close in April, 1865:

| | | | | | |
|---|---|---|---|---|---|
| Maine | 71,745 | District of Columbia. | 16,872 | California | 7,451 |
| New Hampshire | 34,605 | Ohio | 317,133 | Nevada | 216 |
| Vermont | 35,246 | Indiana | 195,147 | Oregon | 617 |
| Massachusetts | 151,785 | Illinois | 258,217 | Washington Territ'y. | 895 |
| Rhode Island | 23,711 | Michigan | 90,119 | Nebraska Territory | 1,279 |
| Connecticut | 57,270 | Wisconsin | 96,118 | Colorado Territory | 1,762 |
| New York | 464,156 | Minnesota | 25,034 | Dakota Territory | 181 |
| New Jersey | 79,511 | Iowa | 75,860 | New Mexico Territ'y. | 2,395 |
| Pennsylvania | 366,326 | Missouri | 108,773 | | |
| Delaware | 13,651 | Kentucky | 78,540 | Total | 2,688,523 |
| Maryland | 49,731 | Kansas | 20,097 | | |
| West Virginia | 32,003 | Tennessee | 12,077 | | |

Add to the above the forces under arms by the Rebels, amounting to about 1,400,000, and we see that there were over 4,000,000 of men in arms during the war—a greater number than ever was engaged in any single war at any age, in any country. To illustrate: The fabled army of Sesostris, with which he overran the greater part of Asia, was but 1,137,000. The greatest strength of the armies raised under Rhamses II, in Egypt, was 410,000. The total forces sent against Syracuse numbered 65,000. Alexander achieved his victories with an army of about 56,000. Napoleon's grand army of 1812 was 200,000 in Spain; 200,000 in France, Italy, Germany and Poland, and 450,000 in Russia—making a total of 850,000. The army of 450,000, then in Russia, was the largest army in one country. When Hannibal crossed the Rhone, his army was 46,000. In May, 1854, the allied army, consisting of English, French, Turks and Sardinians, operating in the Crimean war, was 200,000.

*Composition of the Army.*—Of the 2,688,523 soldiers in the Federal Army, from the commencement of the war to its close, 494,900 were of foreign birth, as follows: Germans, 176,800; Irish, 144,200; British Americans, 53,500; English, 45,500; other foreigners, nationalities unknown, 74,900—leaving the native Americans enlisted at 2,193,623.

The total population of the loyal States and Territories in 1860 was 22,372,961. Of this number 3,901,534 were of foreign birth, leaving the native population in these States 18,471,427. From this number they raised an army of 2,193,623, as shown above. Those of foreign birth in these States, from a population of 3,901,534, raised an army of 494,900. Thus, it will be seen that the honors of the patriotism and success of the arms of the Republic are equally divided among all classes in the twenty-three loyal States that were in the Union at the commencement of the Rebellion.

The proportion furnished in men by the native population, was about *twelve per cent.*, while those of foreign birth furnished about *thirteen per cent.* of their numbers, showing that the adopted citizens of the Republic are not behind, when the laws and the flag that give them liberty are assailed. The fact that there are more males in the foreign population, in proportion to its numbers than in the native population, will account, no doubt, for the large proportion that they furnished to the army.

Of what material the army of the Confederacy was composed is not definitely ascertained. It is fair to conclude, however, that its ranks were made up chiefly of native born—White and Black. Jefferson Davis' order of banishment of all foreigners from his dominions, would not indicate any very great desire even to have them in his army; besides, but few foreigners had made their homes at the South. At the breaking out of the Rebellion there were within the limits of the eleven States that entered the Confederacy but 234,641 foreigners of all classes—25,900 *less* than were in the State of Massachusetts.

The total population of the eleven States forming the Confederacy in 1860 was 9,056,930 of all classes; of this number, 5,449,463 were whites, and 3,607,467 blacks, showing but 1,761,996 more whites than blacks. From these numbers they raised an army of about 1,400,000—about fifteen per cent. of their entire population.

It must be remembered that parts of Virginia and Tennessee and other States in rebellion furnished considerable numbers of troops to the Union Army, and perhaps some of the States not in rebellion furnished some of the Confederate army, but these are not easily ascertained.

The following table will show the number of newspapers circulated by the several States in the year 1860:

| Free States. | | Slave-States. | |
|---|---|---|---|
| California | 26,111,788 | Alabama | 7,175,444 |
| Connecticut | 9,555,672 | Arkansas | 2,122,224 |
| Illinois | 27,464,764 | Delaware | 1,010,776 |
| Indiana | 10,030,310 | Florida | 1,051,600 |
| Iowa | 6,589,360 | Georgia | 13,415,444 |
| Kansas | 1,565,540 | Kentucky | 13,504,044 |
| Maine | 8,333,278 | Louisiana | 16,948,000 |
| Massachusetts | 102,000,760 | Maryland | 20,721,472 |
| Michigan | 11,606,596 | Mississippi | 9,099,784 |
| Minnesota | 2,344,000 | Missouri | 29,711,464 |
| New Hampshire | 1,024,400 | North Carolina | 4,862,572 |
| New Jersey | 12,801,412 | South Carolina | 3,654,840 |
| New York | 320,930,884 | Tennessee | 10,053,152 |
| Ohio | 71,767,742 | Texas | 7,855,808 |
| Oregon | 1,074,640 | Virginia | 26,772,568 |
| Pennsylvania | 116,094,480 | District of Columbia | 10,881,100 |
| Rhode Island | 5,289,280 | | |
| Vermont | 2,579,080 | Total | 178,900,292 |
| Wisconsin | 10,798,670 | | |
| Nebraska Territory | 519,000 | | |
| New Mexico Territory | 59,800 | | |
| Utah Territory | 327,600 | | |
| Washington Territory | 122,200 | Total, Free States | 749,051,256 |
| Total | 749,051,256 | Grand Total | 927,951,548 |

FINANCE OF THE UNITED STATES.

The total resources and payments of the Federal Government from its commencement, March 4th, 1789, to July 1st, 1861, were —total revenue, $1,846,275,863.48; total expenditures during the same period, $1,453,790,786.00—leaving an excess of revenue unexpended of $392,485,077.48.

The demands of the war called largely upon the National Treasury, imposing a burden of taxation amounting, in a single year, to a larger sum than was necessary to defray the whole expenses of the Government from its commencement to 1861.

The public debt on the 1st day of July, 1860, was $64,769,703.08; July 1st, 1861, $90,867,828.68; July 1st, 1862, $514,211,371.92; July 1st, 1863, $1,098,793,181.37; July 1st, 1864, $1,740,690,489.49; July 1st, 1865, $2,682,593,026.53; October 31st, 1866, $2,681,636,966.34. There was at this time, $130,326,960.60 cash in the Treasury; this would leave the actual debt only $2,551,310,005.72. Total debt unprovided for November 1st, 1867, was $2,491,504,450.00. Total debt, October 1st, 1868, $2,534,643,718.95. The debt of Great Britain, in 1860, was £894,644,060

sterling, or $4,473,220,300—almost double that of the debt of the United States in 1867.

The total debt of the United States, on the first day of December, 1868, was $2,645,711,164.81. Cash in the Treasury, $106,679,320.67; of which $88,425,374.54 was coin.

The great financial resources of the Republic of America, as developed under the pressure of the late war, and the good grace with which the people respond to the payments of the large sums requisite to defray the expenses of the Rebellion thrust upon them by the Democratic slaveholders of the South, is another illustration of the influence of Republican Government in tempering the public mind to respond to all things, even the burdens of increased taxation, in order to perpetuate their freedom.

No Government of the magnitude of the American Republic has at any period of the history of the world, conducted the affairs of government with such small outlays and rigid economy as has that of the United States. In all governments, whatever they be, the whole expenditure has to emanate from the producing masses; the wealthy are but the *receivers* of the labor and industry of the producer.

The officials of the United States receive smaller compensation than do those of any other nation, of its magnitude, on the globe. The seven cabinet officers receive $8,000 per annum, each—$56,000 in all. The President of the Republic receives $25,000 per annum. The President and Cabinet receiving but a fraction more than it costs the people of Great Britain annually for coachmen, postilions and footmen for her Britannic majesty.

### BANKS.

*The first Bank in America* was established in Massachusetts, in 1740, called the "Land Bank;" this bank was soon dissolved by a royal edict. Up to the year 1781, there were but two banks in America—one in Boston, and one in New York. In 1811, they had increased to 88; in 1830, there were 330; in 1840, there were 910; in 1843 there were 691; in 1850, there were 872, with a capital of $227,000,000; and in 1860 there were 1,562 with a capital of $421,000,000; since which time the National Banks established by Congress, have superseded to a great extent the private banking institutions of the country.

### NATIONAL BANKS.

An Act of Congress to establish a general national banking system was passed February 25th, 1863, and another on June 3d, 1864. Under this law, there were in operation on January 1st, 1866, 1579 banks, with an aggregate capital of $403,357,346. There were also at the close of the year 1866, 351 State Banks, making a total of 1,930 in all.

There were on January 1st, 1867, 1644 banks existing under the National Bank Acts of the United States; also 297 under State laws. The combined capital of these 1,941 institutions was, at

the same time, $486,258,464. The number of National Banks on the 1st day of October, 1867, was 1,639, with a capital of $424,394,861. There were at the same time 262 State banks, with a capital of $66,354,033, making the aggregate of 1,901 banks, with a combined capital of 490,748,894.

### RAILROADS.

The first attempt at anything resembling railroads, is supposed to have been the roads constructed of stone, upon which the Egyptians moved the great stones for the pyramids. The ancient Romans made an attempt at railroads, by the laying of stones closely fitted together, upon which wheels were run.

Sometime about the year 1676, the first instance of the use of rails was at the collieries, near Newcastle-upon-Tyne, England; and at the same time a suggestion of the possibility of constructing steam carriages was made by James I. Watt, the Scottish engineer. As early as 1782, Oliver Evans, of Philadelphia, patented a steam wagon, and Watt patented a locomotive carriage in 1784.

In October, 1829, the first steam locomotive was put in operation, in England, and was manufactured by Messrs. Stephenson & Booth; soon followed the general use of locomotives and steam carriages.

The first railroad in America, was built from Quincy to the Neoponset River, Massachusetts; it was begun in 1826, and completed in 1827, a distance of three miles; the carriages were drawn by horses.

The first locomotive used on railroads in America, was one manufactured by George Stephenson, of England, imported to America, and placed upon the road built by the Delaware and Hudson Canal Company, in 1829—from this date the progress in rai roads in America went ahead with great energy and success.

In 1860, there were 30,793 miles of railroad in the United States, at a cost of $1,151,560,829; besides 402 miles of city street car railroads, at a cost of $14,862,840. The great overland railroad from New York to San Francisco, California, to be completed by July, 1869, will of itself add 1,840 miles to the above, from San Francisco to Omaha, Nebraska; besides which, there have been many hundreds of miles of railroad built in other States, since 1860, and the miles in street railroads alone must have doubled since that time.

The Pacific railroad is calculated to cost about one hundred million of dollars. The United States gives the companies building the road the use of fifty million dollars of United States six per cent. bonds for thirty years; also the *fee simple* of 12,800 acres of land per mile, along the road, which in the aggregate amounts to about 220,000,000 of acres. This is the most munificent donation made by any Government to any enterprise in any age.

The total distance from New York to San Francisco, Cal., by this great national highway, will be about 3,390 miles.

INSURANCE COMPANIES.

The first Insurance Company in America was established at Boston, Massachusetts, in the year 1724; in 1860, they had increased to 294, besides 47 Life Insurance Companies.

CANALS.

The first canal in America, was constructed in 1789, from Boston harbor to the Concord river, a distance of twenty-seven miles, at a cost of $550,000. In 1861, there were 118 canals in the United States, of a total length of 5,462 miles.

TOTAL VALUE OF REAL ESTATE AND PERSONAL PROPERTY IN THE UNITED STATES.

| States and Territories. | Real Estate and Personal Property. | | Increase. | Increase per cent. |
|---|---|---|---|---|
| | 1850. | 1860. | | |
| Alabama | $228,204,332 | $495,237,078 | $267,032,746 | 117.01 |
| Arkansas | 39,841,025 | 219,256,473 | 179,415,448 | 450.32 |
| California | 22,161,872 | 207,874,613 | 185,712,741 | 837.98 |
| Connecticut | 155,707,980 | 444,274,114 | 288,566,134 | 185.32 |
| Delaware | 21,062,556 | 46,242,181 | 25,179,625 | 119.54 |
| Florida | 22,862,270 | 73,101,500 | 50,239,230 | 219.74 |
| Georgia | 335,425,714 | 645,895,237 | 310,469,523 | 92.56 |
| Illinois | 156,265,006 | 871,860,282 | 715,595,276 | 457.93 |
| Indiana | 202,650,264 | 528,835,371 | 326,105,107 | 160.95 |
| Iowa | 23,714,638 | 247,338,265 | 223,623,627 | 942.97 |
| Kansas | ..... | 31,327,895 | ..... | ..... |
| Kentucky | 301,628,456 | 666,043,112 | 364,414,656 | 120.81 |
| Louisiana | 233,993,764 | 602,118,568 | 368,119,804 | 157.31 |
| Maine | 122,777,571 | 190,211,600 | 67,443,029 | 54.92 |
| Maryland | 219,217,364 | 376,919,944 | 157,702,580 | 71.93 |
| Massachusetts | 573,342,286 | 815,237,433 | 241,895,147 | 42.19 |
| Michigan | 59,787,255 | 257,163,983 | 197,376,728 | 330.13 |
| Minnesota | ..... | 52,294,413 | ..... | ..... |
| Mississippi | 228,951,130 | 607,324,911 | 378,373,781 | 165.26 |
| Missouri | 137,247,707 | 501,214,393 | 363,966,691 | 265.18 |
| New Hampshire | 103,652,835 | 156,310,860 | 52,658,025 | 50.80 |
| New Jersey | 200,000,000 | 467,918,324 | 267,918,324 | 133.95 |
| New York | 1,080,309,..16 | 1,843,338,517 | 763,029,301 | 70.63 |
| North Carolina | 226,800,472 | 358,739,399 | 131,938,927 | 58.17 |
| Ohio | 504,726,120 | 1,193,898,422 | 689,172,302 | 136.54 |
| Oregon | 5,063,474 | 28,930,637 | 23,867,163 | 471.35 |
| Pennsylvania | 722,486,120 | 1,416,501,818 | 694,015,698 | 96.05 |
| Rhode Island | 80,508,794 | 135,337,588 | 54,828,794 | 68.10 |
| South Carolina | 288,257,694 | 548,138,754 | 259,881,060 | 90.15 |
| Tennessee | 201,246,688 | 493,903,892 | 292,657,206 | 145.42 |
| Texas | 52,740,473 | 365,200,614 | 312,460,141 | 592.44 |
| Vermont | 92,205,049 | 122,477,170 | 30,272,121 | 32.83 |
| Virginia | 430,701,082 | 793,249,681 | 362,548,599 | 84.17 |
| Wisconsin | 42,055,595 | 273,671,668 | 231,615,073 | 550.72 |
| District of Columbia | 14,018,874 | 41,084,945 | 27,066,071 | 193.06 |
| Nebraska | ..... | 9,131,056 | ..... | ..... |
| New Mexico Territory | 5,174,471 | 20,813,768 | 15,639,298 | 302.24 |
| Utah Territory | 986,083 | 5,596,118 | 4,610,035 | 467.50 |
| Washington Territory | ..... | 5,691,466 | ..... | ..... |
| Total | $7,135,780,228 | $16,159,616,068 | $8,925,481,011 | 126.45 |

The above table is based upon the true valuation; the returns made by the several States, at the periods above mentioned, show a larger assessed value than the above. It will be seen by the annexed table how far the Free States run ahead of the Slave States in the increase of property.

SENTIMENTS OF THE FRIENDS OF REPUBLICAN GOVERNMENT.

The following extracts from speeches, letters, addresses, orations, and resolutions will illustrate the sentiments and positions

of prominent public men of America and Europe in relation to the political affairs of the American Republic

WILLIAM H SEWARD.

In March, 1858, William H. Seward, in the United States Senate, said:

"The question of Slavery in the Federal Territories, which are now the nurseries of future States, independent of its moral and human elements, involves a dynastical struggle of two antagonistical systems — the labor of slaves and the labor of freemen—for mastery in the Federal Union.

"There is a higher law than the Constitution which regulates our authority over the domain. Slavery must be abolished, and we must do it.

"Slavery is not and never can be perpetual. It will be overthrown peacefully and lawfully under this Constitution, or it will work the subversion of the Constitution, together with its own overthrow."

In a speech made by Mr. Seward at Rochester, New York, October 25th, 1858, he said:

"These antagonistic systems are continually coming into closer contact, and collision results.

"Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. *It is an irrepressible conflict* between opposing and enduring forces; and it means that the United States must and will, sooner or later, become either entirely a slaveholding Nation, or entirely a free labor Nation. Either the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana, will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromise between the Slave and Free States; and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral."

JOSHUA R. GIDDINGS.

Few men in America have been so closely identified with the interests of the down-trodden African and his posterity in the United States, as has this able defender of the rights of man. Nor do his efforts to extirpate human Slavery from his country date from the period when "Abolitionists" were "respectable," but from the time when death penalties were inflicted by the *chivalry* of the South for the advocacy of the doctrines of the Declaration of Independence, and when in the Free States "constitutional" Democrats hunted down, like wild beasts, those who were bold enough to advocate emancipation.

In the House of Representatives, as early as 1850, in response to the declaration of members from the South to disrupt the Union, Mr. Giddings, in a speech, used the following prophetic language:

"When that contest shall come, when the thunder shall roll and the lightnings flash; when the slaves of the South shall rise in the spirit of Freedom, actuated by the soul-stirring emotion that they are *men*, destined to immortality, entitled to the rights which God bestowed upon them; when the masters

shall turn pale and tremble; when their dwellings shall smoke, and dismay sit on each countenance; then, Sir, I do not say we will 'laugh at your calamity, and mock when your fear cometh,' but I do say *the lover of our race will then stand forth and exert the legitimate powers of this Government of Freedom.* We shall then have *constitutional power to act for the good of our country, and to do justice to the slave.* WE WILL THEN STRIKE OFF THE SHACKLES FROM HIS LIMBS. The Government will then have power to *act between Slavery and Freedom; and it can best make peace by giving liberty to the slaves.* And let me tell you, Mr. Speaker, *that time hastens;* the President is exerting a power that will hurry it on; and I shall hail it as the approaching dawn of that Millennium which I know must come upon the earth."

CHARLES SUMNER.

Among the many living champions of civil and religious liberty, few equal this eminent American statesman, who has had the honor to represent the State of Massachusetts in the Senate of the Nation for so many years.* The lead of the progressive political party of the Nation, was for years conceded to him; and if for a short time the reins were held by Thaddeus Stevens, Mr. Sumner may but feel proud of his competitor. As a clear-headed statesman, with a forecast of mind grasping principles and anticipating emergencies, Mr. Sumner has few living equals. As an *industrious* and faithful public servant, he has *no equal.* His persistent opposition to Slavery, made him an object of attack by the "chivalry," while that party had control of the Capitol.

Throughout the Slaveholders' Rebellion, and during the memorable conflict between the National Congress and Andrew Johnson, Mr. Sumner stood foremost and faithful in opposition to treason and venality, and directed the current of National legislation to its present happy condition, more than did any one man in America. The public measures and laws presented to Congress by him, and which are now leading features of our National legislative enactments, outnumber those promulgated by any living man within the same period. And to his efforts and genius, may we in a large measure feel indebted for the *equality of all men before the law* in America. His proposition of the following clause of a law, pending the discussion, in the Senate, of a draft of a law pertaining to witnesses, on the 15th of July, 1862, was the forerunner of the right of the colored man to obtain justice in American Courts:

"*Provided,* That there shall be no exclusion of any witnesses on account of color."

He offered the following resolution, May 26th, 1862, which subsequently led to the employment and protection of colored soldiers:

"*Resolved,* That in the prosecution of the present war for the suppression of a wicked Rebellion, the time has come for the Government of the United States to appeal to the loyalty of the whole people everywhere, but especially in the rebel districts, and to invite all, without distinction of color or class, to make their loyalty manifest by ceasing to fight or labor for the rebels, and also by rendering every assistance in their power to the cause of the Constitution

*Elected in 1869, for the fourth time in succession.

and the Union, according to their ability, whether by arms, or labor, or information, or in any other way: and, since protection and allegiance are reciprocal duties, dependent upon each other, it is the further duty of the Government of the United States to maintain all such loyal people, without distinction of color or class, in their rights as *men*, according to the principles of the Declaration of Independence."

The following extracts from a set of resolutions offered by Mr. Sumner, in the United States Senate, on the 11th of February, 1862, relating to the rebellious States, present a clear, legal, and logical exposition of the *status* of those Territories, upon the cessation of hostilities:

"1. *Resolved*, That any vote of secession or other act by which any State may undertake to put an end to the supremacy of the Constitution within its territory is inoperative and void against the Constitution, and when sustained by force it becomes a practical *abdication* by the State, of all rights under the Constitution, while the treason which it involves still further works an instant *forfeiture* of all those functions and powers essential to the continued existence of the State as a body politic, so that from that time forward the territory falls under the exclusive jurisdiction of Congress as other territory, and the State being, according to the language of the law, *felo-de-se*, ceases to exist.

"2. That any combination of men assuming to act in the place of such State, attempting to ensnare or coerce the inhabitants thereof into a confederation hostile to the Union is rebellious, treasonable, and destitute of all moral authority; and that such combination is a usurpation incapable of any constitutional existence and utterly lawless, so that everything dependent upon it is without constitutional or legal support.

"3. That the termination of a State under the Constitution necessarily causes the termination of those peculiar local institutions which, having no origin in the Constitution or in those natural rights which exist independent of the Constitution, are upheld by the sole and exclusive authority of the State.

"4. That Slavery, being a peculiar local institution, derived from local laws, without any origin in the Constitution or in natural rights, is upheld by the sole and exclusive authority of the State, and must therefore cease to exist legally or constitutionally when the State on which it depends no longer exists; for the incident cannot survive the principle.

"5. That in the exercise of its exclusive jurisdiction over the territory once occupied by the States, it is the duty of Congress to see that the supremacy of the Constitution is maintained in its essential principles, so that everywhere in this extensive territory Slavery shall cease to exist practically, as it has already ceased to exist constitutionally or legally.

"6. That any recognition of Slavery in such territory, or any surrender of slaves under the pretended laws of the extinct States by any officer of the United States, civil or military, is a recognition of the pretended Governments, to the exclusion of the jurisdiction of Congress under the Constitution, and is in the nature of aid and comfort to the Rebellion that has been organized.

"7. That any such recognition of Slavery or surrender of pretended slaves, besides being a recognition of the pretended Governments, giving them aid and comfort, is a denial of the rights of persons who, by the extinction of the States have become free, so that under the Constitution they cannot again be enslaved.

"8. That allegiance from the inhabitant and protection from the Government are corresponding obligations, dependent upon each other, so that while the allegiance of every inhabitant of this territory, without distinction of color or class, is due to the United States, and cannot in any way be defeated by the action of any pretended Government, or by any pretense of property or claim to service, the corresponding obligation of protection is at the same time due by the United States to every such inhabitant, without distinction of color or class; and it follows that inhabitants held as slaves, whose paramount alle-

giance is due to the United States, may justly look to the National Government for protection.

"9. That the duty directly cast upon Congress by the extinction of the State, is reinforced by the positive prohibition of the Constitution that 'no State shall enter into any confederation,' or 'without the consent of Congress keep troops or ships-of-war in time of peace, or enter into any agreement or compact with another State,' or 'grant letters of marque and reprisal,' or 'coin money,' or 'emit bills of credit,' or 'without the consent of Congress lay any duties on imports or exports,' all of which have been done by these pretended Governments, and also by the positive injunction of the Constitution addressed to the Nation: that 'the United States shall guarantee to every State in this Union a Republican form of Government, and that in pursuance of this duty cast upon Congress, and further enjoined by the Constitution, Congress will assume complete jurisdiction of such vacated territory where such unconstitutional and illegal things have been attempted, and will proceed to establish therein Republican forms of Government under the Constitution, and in the execution of this trust will provide carefully for the protection of all the inhabitants thereof, for the security of families, the organization of labor, the encouragement of industry, and the welfare of society, and will in every way discharge the duties of a just, merciful and paternal Government."

On the 8th of February, 1863, Mr. Sumner, among other resolutions, introduced the following, which embraces the views of the Republican party throughout the country upon the subject of Reconstruction, presenting the powers and duties of Congress, and at once exploding the assumptions and heresies of Andrew Johnson and the Democratic party, that the *Executive* possesses *exclusive* control over these people and Territories:

"That in dealing with the rebel war the National Government is invested with two classes of rights—one the *rights of sovereignty*, inherent and indefeasible everywhere within the limits of the United States, and the other the *rights of war*, or belligerent rights, which have been superinduced by the nature and extent of the contest; that, by virtue of the rights of sovereignty, the rebel and belligerent region is now subject to the National Government as its only rightful Government, bound under the Constitution to all the duties of sovereignty and by special mandate bound also 'to guarantee to every State a Republican form of Government, and to protect it against invasion;' that, by virtue of the rights of war, this same region is subject to all the conditions and incidents of war, according to the established usages of Christian nations, out of which is derived the familiar maxim of public duty, 'Indemnity for the past and security for the future.'

"That, in the exercise of this essential supremacy of the National Government, a solemn duty is cast upon Congress to see that no rebel State is prematurely restored to its constitutional functions until, within its borders, all proper safeguards are established, so that loyal citizens, including the new made freedmen, cannot at any time be molested by evil-disposed persons, and especially that no man there may be made a slave; that this solemn duty belongs to Congress under this Constitution, whether in the exercise of rights of sovereignty or rights of war, and that in its performance that system of 'reconstruction' will be found the best, howsoever it may be named, which promises most surely to accomplish the desired end, so that Slavery, which is the synonym of the Rebellion, shall absolutely cease throughout the whole rebel and belligerent region, and the land which it has maddened, impoverished and degraded, shall become safe, fertile and glorious from assured emancipation.

"That in addition to the guarantees stipulated by Congress, and as the capstone to its work of restoration and reconciliation, the Constitution itself must be so amended as to prohibit Slavery everywhere within the limits of the Republic; that such a prohibition, leaving all personal claims, whether of slave or master, to the legislation of Congress and of the States, will be in

itself a sacred and inviolable guarantee, representing the collective will of the people of the United States, and placing universal emancipation under the sanction of the Constitution, so that freedom shall be engraved on every foot of the National soil, and be woven into every star of the National flag, while it elevates and inspires our whole National existence, and the Constitution, so often invoked for Slavery, but at last in harmony with the Declaration of Independence, will become, according to the holy aspirations of its founders, the sublime guardian of the inalienable right of every human being to life, liberty and the pursuit of happiness; all of which must be done in the name of the Union, in duty to humanity, and for the sake of permanent peace."

WILLIAM LLOYD GARRISON.

In connection with the many advocates of manhood rights, few have labored with more zeal and self-sacrifice than William Lloyd Garrison. His speeches, letters and editorial labors have largely contributed to giving vitality and shape to the early efforts of the "Abolitionists" who pioneered the way through the dreary night of Democratic barbarism into the pure light of Republican liberty.

The list of the band of Freedom's Defenders, beginning with the earliest history of the Republic, might be swelled by thousands of names, that will serve to illuminate the path of the oppressed so long as liberty has inspiration for man. And, as future generations will read of the great conflict in America between Slavery and Freedom, dating from the proceedings in the Convention which framed the Constitution to the time of the end of the Slaveholders' Rebellion in 1865, they will pause in mute respect and generous admiration over the names of George Washington, Benjamin Franklin, Lafayette, John Adams, John Hancock, John Quincy Adams, Abraham Lincoln, Benjamin Lundy, Daniel Webster, Thaddeus Stevens, Thomas Starr King, William Lloyd Garrison, Joshua R. Giddings, Wendell Phillips, Owen Lovejoy and Charles Sumner. Not forgetting Horace Greeley, whose fame as a patriot and journalist is co-extensive with modern reform and progressive liberty, and who in the columns of his widely circulated journal, the *New York Tribune*, has done more to *educate* the American people in modern Republicanism than any man in America.

THADDEUS STEVENS.

Thaddeus Stevens was born in Caledonia county, Vermont, on April 4th, 1792. He died at Washington, D. C., on August 11th, 1868, aged 76 years. At the time of his death he was a member of the Fortieth Congress of the United States from Pennsylvania, of which State he had been a citizen for many years. He graduated at Dartmouth College in 1814, in which year he moved to Pennsylvania, where he studied law, and was admitted to practice in 1816. He soon rose to great eminence in his profession. At an early age he became an avowed enemy of Slavery. His views of the Dred Scott decision may be learned from his remarks upon learning of the death of its author, Chief Justice Taney. While delivering a speech in Congress, he said: "The Dred Scott decision has damned the Chief Justice to everlasting infamy."

His love of human liberty was the inspiring theme of his whole life; and his withering sarcasm and sharp invective made him a most formidable antagonist in debate. Always on the side of mercy, and always the enemy of tyranny, he became a piercing thorn in the side of the Democratic body politic, and from the day of their attack upon Fort Sumter, to the close of his life, stood in the National Congress as a giant of terror to their perfidy, and a master spirit at the head of the great national progressive Republican party.

Mr. Stevens entered public life in 1833, by being elected to the Pennsylvania Legislature. He subsequently held many important offices in that State. In 1838 he was the champion of universal suffrage, and did more to establish free schools in the State of Pennsylvania than any other man. In this he had the Democracy as a unit against him, and in the Pennsylvania Legislature they made the most strenuous efforts to expel him. A Democratic committee was appointed "to inquire whether Thaddeus Stevens, a member elect from the county of Adams, had not forfeited his right to a seat in the House." He was first elected to Congress in 1848, and was Chairman of the Committee of Reconstruction in the Thirty-ninth and Fortieth Congress, his last position being Chairman of the Board of Managers on the impeachment trial of Andrew Johnson.

In peaceful repose, at a ripe old age, he passed away, to join the hosts of the pure and just. His last hours of pain were alleviated by the angelic voices of the Sisters of Charity, who had for months before his death watched at his bedside, when ill; their pure hearts had clung to him; they appreciated his noble nature, and had not forgotten the material aid he had secured to them in obtaining an appropriation of over $60,000 from Congress, to help in building their edifice of charity, the "Providence Hospital," in the city of Washington.

Few men in any age have achieved for themselves so enviable a name as did Thaddeus Stevens; he was indeed worthy of the title of the great *American Commoner;* fit to be associated with the champion of freedom of the British Parliament, the great Commoner of England, John Bright.

Mr. Stevens' industry and fidelity in legislation has been unsurpassed. In many of his positions he has been considered "radical" and impracticable, even by many of his own party. Doubtless his views were a little in advance of those of the majority of the people; but less than a quarter of a century from his decease will find the great mass of the American people up to, if not in advance, of his views. Then will those who shall be in the enjoyment of the blessings of America's free institutions appreciate the untiring energy with which this hero of human rights pursued a venal Executive, and rebellious political factions, and fought them, inch by inch, as he battled with death, down to the very brink of the grave.

The following extract, from a speech delivered by Mr. Stevens,

at Lancaster, Pennsylvania, a few days before his death, and while suffering with disease, will show the true spirit of this great man. He said:

"What is this world but a world of progress, and what is the statesman worth who is afraid to fight in the front ranks? The liberty of the world is not yet effected. Half the world is yet in chains—half the world is yet under kingly government. We must go ahead, and, though I can do but little, I shall do what I can; and if, when I am dead, there sprouts any vigor from my bones and my grave to help forward posterity to proclaim the same doctrines of universal liberty, and universal suffrage, and universal disenthrallment from kings, I shall be satisfied. The Goddess of Liberty is represented in ancient statues as a very nice little goddess, but very small. I want her to grow—to put on the habiliments of mature age—until she can embrace within her folds every nation, and every tribe, and every human being within God's canopy. I care not what you say of negro equality; I care not what you say of radicalism; these are my principles, and with the help of God I shall die with them. I ask no epitaph. I shall have none; but I shall go with a pure consciousness of having tried to serve the whole human race, and never having injured a human being."

EDWARD D. BAKER.

This illustrious champion of human freedom, one of America's ablest orators, was born in England, about the year 1800. He came to America when five years of age. His father died, leaving him friendless and in poverty. His earlier days were spent as a weaver in the city of Philadelphia. When he arrived at manhood he moved to Illinois, where he commenced the study and practice of the law, in which profession he soon took a leading position. He soon attached himself to the Whig party, and in 1846–7 was elected to Congress from Illinois. On the breaking out of the Mexican war he raised a regiment, at the head of which he distinguished himself throughout the war. He returned to Illinois, and was again elected to Congress, where he served until 1850. In 1851 he arrived in California, where he resided until 1859, when he removed to Oregon, where, in 1860, he was elected United States Senator. He was in this position when, in 1861, the rebels fired on Fort Sumter. He soon after received a commission as Colonel in the Union army, at the head of which he was killed at the battle of Ball's Bluff, Virginia, October 21st, 1861. (Baker was commissioned a Brigadier-General after his death.)

The following extract is from a speech delivered by him in the United States Senate, December 31st, 1860, in reply to Mr. Benjamin, of Louisiana—the subject of the Union being under discussion:

"The entire object of the speech is, as I understand it, to offer a philosophical and constitutional disquisition to prove that the Government of these United States is, in point of fact, no Government at all—that it has no principle of vitality, that it is to be overturned by a touch, dwindled into insignificance by a doubt, dissolved by a breath, not by maladministration merely, but in consequence of organic defects interwoven with its very existence.

"But, Sir, this purpose—strange and mournful in anybody, still more so in him—this purpose has a terrible significance now and here. In the judgment of the honorable Senator, the Union is this day dissolved; it is broken and

disintegrated; civil war is a consequence at once necessary and inevitable. Standing in the Senate chamber, he speaks like a prophet of woe. The burden of the prediction is the echo of what the distinguished gentleman now presiding in that chair has said before—(Mr. Iverson in the chair)—'Too late! too late!' The gleaming and lurid lights of war flash around his brow, even while he speaks. And, Sir, were it not for the exquisite amenity of his tone and manner, we could easily persuade ourselves that we saw the flashing of the armor of the soldier beneath the robe of the Senator.

"My purpose is far different, Sir. I think it is far higher. I desire to contribute my poor argument to maintain the dignity, the honor of the Government under which I live, and beneath whose august shadow I hope to die. I propose, in opposition to all that has been said, to show that the Government of the United States is in very deed a real, substantial power, ordained by the people, not dependent upon States—sovereign in its sphere; a Union, and not a compact between sovereign States; that, according to its true theory, it has the inherent capacity of self-protection; that its Constitution is a perpetuity, beneficent, unfailing, grand; and that its powers are equally capable of exercise against domestic treason and against foreign foes. Such, Sir, is the main purpose of my speech; and what I may say additional to this, will be drawn from me in reply to the speech to which I propose now to address myself."

The following is an extract from a speech delivered by him at a Union mass meeting at Union Park, New York City, April 20th, 1861:

"And if, from the far Pacific, a voice feebler than the feeblest murmur upon its shores, may be heard to give you courage and hope in the contest, that voice is yours to-day; and if a man whose hair is gray, who is well-nigh worn out in the battle and toil of life, may pledge himself on such an occasion and in such an audience, let me say, as my last word, that when, amid sheeted fire and flame, I saw and led the hosts of New York as they charged in contest upon a foreign soil for the honor of your flag, so again, if Providence shall will it, this feeble hand shall draw a sword, never yet dishonored—not to fight for distant honor in a foreign land—but to fight for country, for home, for law, for Government, for Constitution, for right, for freedom, for humanity, and in the hope that the banner of my country may advance, and wheresoever that banner waves, there glory may pursue and freedom be established."

ANDREW JACKSON.

Extracts from the address to the army at New Orleans, December 18th, 1814, by Andrew Jackson:

"*Fellow Citizens and Soldiers:* The General Commanding-in-Chief would not do justice to the noble ardor that has animated you in the hour of danger, he would not do justice to his own feelings, if he suffered the example you have shown to pass without public notice. Inhabitants of an opulent commercial town, you have, by a spontaneous effort, shaken off the habits which are created by wealth, and shown that you are resolved to deserve the blessings of fortune, by bravely defending them. Long strangers to the perils of war, you have emboldened yourselves to face them with the cool countenance of veterans. With motives of disunion that might have operated on some minds, you have forgotten the differences of language and prejudice of national pride, and united with a cordiality that does honor to your understanding as well as to your patriotism.

"Natives of the United States! They are the oppressors of your infant political existence, with whom you are to contend—they are the men your fathers fought and conquered, whom you are now to oppose.

"Descendants of Frenchmen! Natives of France! They are English—the hereditary, the eternal enemies of your ancient country, the invaders of that you have adopted—who are your foes.

"Spaniards! Remember the conduct of your allies at St. Sebastian's, and recently at Pensacola, and rejoice that you have an opportunity of avenging the brutal injuries inflicted by men who dishonor the human race.

"Citizens of Louisiana! The General Commanding-in-Chief rejoices to see the spirit that animates you, not only for your honor, but for your safety, for whatever had been your conduct or wishes, his duty would have led, and will now lead him, to confound the citizen unmindful of his rights with the enemy he ceases to oppose. Now, leading men who know their rights and who are determined to defend them, he salutes you as brethren in arms, and has now a new motive to exert all his faculties, which shall be strained to the utmost in your defense. Continue with the energy you have begun with, and he promises you not only safety, but victory over the insolent enemy, who insulted you by an affected doubt of your attachment to the Constitution of your country.

"Soldiers! The President of the United States shall be informed of your conduct on the present occasion, and the voice of the Representatives of the American Nation shall applaud your valor, as your General now praises your ardor. The enemy is near. His sails cover the lakes. But the brave are united, and if he finds us contending among ourselves, it will be for the prize of valor, and fame, its noblest reward."

## Extract from President Jackson's proclamation to the people of South Carolina, in 1832:

"*Fellow Citizens of my native State:* Contemplate the condition of that country of which you form an important part. Consider its Government, uniting in one bond of common interest and general protection so many different States, giving to all their inhabitants the proud title of American citizens, protecting their commerce, securing their literature and their arts, facilitating their intercommunication, defending their frontiers, and making their name respected in the remotest parts of the earth. Consider the extent of its territory, its increasing and happy population, its advance in arts which render life agreeable, and the sciences which elevate the mind.

"See education spreading the light of religion, humanity, and general information into every cottage in this wide extent of our Territories and States. Behold it as the asylum where the wretched and the oppressed find a refuge and support. Look on this picture of happiness and honor, and say: 'We, too, are citizens of America!' * * * The laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically pronounced in the Constitution. Those who told you that they might peaceably prevent their execution, deceived you; they could not have been deceived themselves. They knew that a forcible opposition could alone prevent the execution of the laws, and they knew that such opposition must be repelled. Their object is disunion, but be not deceived by names, disunion by armed force is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences—on their heads be the dishonor—but on yours may fall the punishment. On your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your country. Its enemies have beheld our prosperity with a vexation they could not conceal; it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy."

JOSIAH QUINCY.

## The following is an exhortation to self-defense, delivered by Josiah Quincy, at Boston, in 1768:

"If there ever was a time, this is the hour for Americans to rouse themselves, and exert every ability. Their all is at hazard, and the die of fate spins doubtful. British taxations, suspensions of Legislatures, and standing armies, are but some of the clouds which overshadow the northern world. Now is the time for this people to summon every aid, human and divine; to exhibit every moral virtue, and call forth every christian grace. The wisdom of the serpent, the innocence of the dove, and the intrepidity of the lion, with the blessing of God, will yet save us from the jaws of destruction. By the sweat of our brow we earn the little we possess; from nature we derive the common

rights of man, and by charter we claim the liberties of Britons. Shall we, dare we, pusillanimously surrender our birthright?

"Be not deceived, my countrymen. Believe not those venal hirelings who would cajole you by their subtleties into submission, or frighten you by their vaporings into compliance. When they strive to flatter you by the terms 'moderation and prudence,' tell them that calmness and deliberation are to guide the judgment, courage and intrepidity command the action. When they endeavor to make us 'perceive our inability to oppose our mother country,' let us boldly answer: 'In defense of our civil and religious rights, we dare oppose the world! With the God of armies on our side, even the God who fought our fathers' battles, we fear not the hour of trial, though the hosts of our enemies should cover the field like locusts. If this be enthusiasm, we will live and die enthusiasts.'

"O my countrymen! What will our children say when they read the history of these times, should they find that we tamely gave way, without one noble struggle, the most inestimable of earthly blessings? As they drag the galling chain, will they not execrate us? If we have any respect for things sacred, any regard to the dearest treasure on earth; if we have one tender sentiment for posterity, if we would not be despised by the whole world, let us, in the most open, solemn manner, and with determined fortitude, swear—'We will die, if we cannot live freemen!' "

COL. ISAAC BARRÉ.

A "Protest against Injustice," being a speech delivered in the British Parliament in 1765, by Col. Isaac Barré:

"Sir, I have listened to the honorable member, who spoke last, with astonishment. Has he forgotten the history of the Colonies? 'Will these Americans, children planted by our care, nourished by our indulgence, protected by our arms, refuse their mite?'

"They planted by *your* care! No; your oppression planted them in America. They fled from your tyranny, to a then uncultivated and inhospitable country, where they exposed themselves to almost all the hardships to which human nature is liable, and, among others, to the cruelty of a savage foe—the most subtle, and, I will take upon me to say, the most formidable of any people upon the face of the earth—and yet, actuated by principles of true English liberty, they met all hardships with pleasure, compared with those they suffered in their own country from the hands of those who should have been their friends.

"They nourished up by *your* indulgence! They grew by your neglect of them. As soon as you began to care about them, that care was exercised in sending persons to rule them, in one department or another, who were, perhaps, the deputies of deputies to some members of this House, sent to spy out their liberties, to misrepresent their actions, and to prey upon them—men whose behavior, on many occasions, has caused the blood of those sons of liberty to recoil within them; men promoted to the highest seat of justice, some, who, to my knowledge, were glad, by going to a foreign country, to escape being brought to the bar of a Court of justice in their own.

"They protected by *your* arms! They have nobly taken up arms in your defense, have exerted a valor, amidst their constant and laborious industry, for the defense of a country whose frontier was drenched in blood, while its interior parts yielded all its little savings to your emoluments.

"And, believe me—remember I this day told you so—that the same spirit of freedom which actuated that people at first will accompany them still. But prudence forbids me to explain myself further. Heaven knows, I do not at this time speak from motives of party heat. What I deliver are the genuine sentiments of my heart.

"However superior to me in general knowledge and experience the respectable body of this House may be, yet I claim to know more of America than most of you, having seen and been conversant in that country. The people, I believe, are as truly loyal as any subjects the king has, but a people jealous of their liberties, and who will vindicate them if ever they should be violated. But the subject is too delicate; I will say no more."

DANIEL WEBSTER.

"The Union must be preserved," speech in Congress, delivered January 26th, 1830, by Daniel Webster:

"*Mr. President:* I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot, even now, persuade myself to relinquish it without expressing once more my deep conviction that, since it respects nothing less than the union of the States, it is of most vital and essential importance to the public happiness.

"I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of the Federal Union. I have not allowed myself to look beyond the Union to see what might be hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion to see whether, with my short sight, I can fathom the depths of the abyss below; nor could I regard him as a safe counselor in the affairs of this Government whose thoughts should be mainly bent on considering, not how the Union should be preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed.

"While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that, I seek not to penetrate the veil. God grant that in my day, at least, the curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union, on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood. Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a star obscured, not a stripe erased or polluted, bearing for its motto no such miserable interrogatory as, *What is all this worth?* or those other words of delusion and folly, *Liberty first and Union afterward;* but everywhere spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart, *Liberty and Union, now and forever, one and inseparable.*"

JAMES BUCHANAN.

On the 15th day of February, 1859, in the National Congress, Mr. Morris, Representative from Illinois and a Union Democrat, said:

"The President, sir, has been weighed in the balance and found wanting, and no flower of gratitude will ever bloom upon his grave. If 'the evil men do, live after them,' and 'the good is often interred in their bones,' how unfortunate for him. In his efforts to lead others out of the Democratic party, he has not exactly gotten out himself, for he was never really in it; but he has been the means of the forfeiture of that confidence it might otherwise have continued to bestow upon him — in other words, he has committed political suicide. In his vain endeavors to inscribe his name high upon the roll of fame, he has written it in sand, and the sporting winds will soon obliterate every vestige of it, except the evil deeds connected with it."

In the Thirty-sixth Congress, January 16th, 1861, Mr. Morris said:

"All I have said of Mr. Buchanan has proved true. * * * Two years

ago, I proposed to bring articles of impeachment against the President; my own conviction prompted me to do so, but I allowed myself to be persuaded to do otherwise. * * * The fact, sir, is notorious that corruption has been rank in all the Executive Departments of the Government, that they lay around us a mass of moral and political putrifaction, that from the highest to the lowest they have plundered the public coffers—poisoned the channels of National virtue, prostituted to unholy purposes the highest obligations of patriotism, tarnished the National honor, and destroyed the National credit. * * * In the history of America, Mr. Buchanan will be presented as the proscriptive tyrant, the rewarder of perfidy, the squanderer of the public treasure, and the destroyer of public peace. In whatever picture may be hereafter drawn of his administration, he will appear in the foreground the anguish of guilt working in the hard lines of his face, yet with his lips preaching to his countrymen of honesty, economy, unity and brotherly love."

ABRAHAM LINCOLN,

On June 17th, 1858, speaking of Slavery, said:

"In my opinion, it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall; but I do expect it will cease to be divided—it will become all one thing or all the other."

HENRY CLAY.

Speaking of Slavery in the Territories, he said:

"But if, unhappily, we should be involved in war, in civil war between the two parts of this confederacy, in which the effort upon the one side should be to restrain the introduction of Slavery into the new Territories, and upon the other to force its introduction there, what a spectacle should we present to the astonishment of mankind, in an effort not to propagate right, but, I must say it, though I trust it will be understood to be said with no design to excite feeling—a war to propagate Slavery in the Territories thus acquired from Mexico. It would be a war in which we should have no sympathies, no good wishes, in which all mankind would be against us; for, from the commencement of the Revolution down to the present time, we have constantly reproached our British ancestors for the introduction of Slavery into this country."

PATRICK HENRY.

"War Inevitable," speech in the Continental Congress, in 1775, by Patrick Henry:

"They tell us, sir, that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak if we make a proper use of those means which the God of Nature hath placed in our power.

"Three millions of people, armed in the holy cause of Liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged. Their clanking may be heard on the plains of Boston! The war is inevitable, and let it come!! I repeat it, sir, let it come!!!

"It is in vain, sir, to extenuate the matter. Gentlemen may cry peace, peace

—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!"

The return of British fugitives advocated by Patrick Henry, in a speech delivered in Congress, in the year 1782:

"I venture to prophecy that there are now those living who will see this favored land amongst the most powerful on earth — able, sir, to take care of herself, without resorting to that policy which is always so dangerous, though sometimes unavoidable, of calling in foreign aid. Yes, sir, they will see her great in arts and arms—her golden harvests waving over fields of immeasurable extent, her commerce penetrating the most distant seas, and her cannon silencing the vain boasts of those who now proudly affect to rule the waves. But, sir, you must have *men;* you cannot get along without them. Those heavy forests of valuable timber, under which your lands are groaning, must be cleared away. Those vast riches which cover the face of your soil, as well as those that lie hid in its bosom, are to be developed and gathered only by the skill and enterprise of men. Your timber, sir, must be worked up into ships to transport the productions of the soil from which it has been cleared. Then, you must have commercial men and commercial capital, to take off your productions, and find the best markets for them abroad. Your great want, sir, is the want of men, and these you must have, and will have speedily, if you are wise.

"Do you ask how you are to get them? Open your doors, sir, and they will come in. The population of the Old World is full to overflowing. That population is ground, too, by the oppressions of the governments under which they live. Sir, they are already standing on tip-toe on their native shores, and looking to your coasts with a wistful and longing eye. They see here a land blessed with natural and political advantages, which are not equaled by those of any other country upon earth—a land on which a gracious Providence hath emptied the horn of abundance — a land over which Peace hath now stretched forth her white wings, and where Content and Plenty lie down at every door.

"Sir, they see something still more attractive than all this. They see a land in which Liberty hath taken up her abode—that Liberty whom they had considered as a fabled goddess, existing only in the fancies of poets. They see her here a real divinity, her altars rising on every hand throughout these happy States, her glories chanted by three millions of tongues, and the whole region smiling under her blessed influence. Sir, let but this, our celestial goddess, Liberty, stretch forth her fair hand toward the people of the Old World, tell them to come and bid them welcome, and you will see them pouring in from the North, from the South, from the East, and from the West. Your wilderness will be cleared and settled, your deserts will smile, your ranks will be filled, and you will soon be in a condition to defy the power of any adversary.

"But gentlemen object to any accession from Great Britain, and particularly to the return of the British refugees. * * * Even if they be inimical in point of feeling and principle, I can see no objection, in a political view, in making them tributary to our advantage. And, as I have no prejudices to prevent my making this use of them, so, sir, I have no fear of any mischief that they can do us. Afraid of *them!* What, sir, shall *we*, who have laid the proud British *lion* at our feet, now be afraid of his *whelps?*"

FIRST AMERICAN CONSTITUTION.

At noon, on Friday, November 10th, 1620 (*Old Style*), November 21st (*New Style*), the *Mayflower* dropped her anchor at Cape Cod, whereupon on the following day, after prayer and thanksgiving,

and before a landing was made, a compact was entered into and signed by all the men on board (41), forming themselves into a body politic for the government of the Colony; agreeing to be ruled in all things by the majority. An election was immediately held, when JOHN CARVER was unanimously elected Governor for one year. For ten years succeeding, the colonists held their property in common.

After exploring the coast in small boats for one month, they, Dec. 11th, 1620 (*Old Style*), Dec. 22d (*New Style*), disembarked. In a few days the *Mayflower* was brought into the harbor, and on the 25th they began building. "Plymouth Rock," now known as "Forefathers' Rock," upon which the pilgrims first placed their feet as they stepped, at high tide, upon the American Continent, at Plymouth, was removed from its original position and placed in the square of the town of Plymouth. On July 4th, 1834, it was removed from there and placed in front of the new *Pilgrim Hall* in the town of Plymouth, under the charge of the *Pilgrim Society*, where it now is resting upon a base of granite and inclosed with an iron railing, five feet high. Upon an iron wreath ornamenting the head of the railing are cast the names of the forty-one pilgrim fathers who signed the compact on board of the *Mayflower*.

Following is a verbatim copy of this first American Constitution. (For Signers, see pages 25 and 26.)

"In the name of God, Amen. We, whose Names are underwritten, the Loyal Subjects of our dread Sovereign Lord, King James, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., Having undertaken, for the Glory of God and advancement of the Christian Faith, and Honour of our King and country, a Voyage, to Plant the first Colony in the Northern Parts of Virginia; Do, by these Presents, solemnly and mutually, in the Presence of GOD, and of one another, Covenant and Combine ourselves together unto a Civil body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid; and, by Virtue hereof, to enact, constitute, and frame such just and equal Laws, Ordinances, Acts, Constitutions, and Offices, from Time to Time, as shall be thought most meet and convenient for the General Good of the Colony; unto which we Promise all due Submission and Obedience. In witness whereof, we have hereunder subscribed our Names, at Cape Cod, the eleventh of November, in the year of the Reign of our Sovereign Lord, King James, of England, France, and Ireland, the Eighteenth, and of Scotland the Fifty-Fourth, Anno Domini, 1620."

### UNITED COLONIES OF NEW ENGLAND.

From the first settlement in New England, in 1620, up to 1643, the political affairs of the Colonies continued to be conducted under the *charters* obtained by the several Colonies from England.

The continued treachery and hostility of the Indians, together with apprehensions of hostility from the Dutch at Manhattan, and the French and Dutch settlers in Acadia (Nova Scotia) caused the four Colonies—Massachusetts, Plymouth, Connecticut and New Haven to form a mutual league or confederation, under the name of the "*United Colonies of New England.*" The Convention to form the Confederacy met at Boston, Mass., where,

on the 19th of May, 1643 (*Old Style*), May 30th (*New Style*), they formed a compact, by the terms of which each Colony was to conduct its political affairs by two Commissioners from each, forming a Congress of the United Colonies; each Colony was to furnish its quota of men and arms, in case of any of the Colonies being invaded. Rhode Island made application for admission into the Confederacy; but the conditions exacted did not suit her people, so she was not admitted.

In 1672, the Confederation was reorganized, in consequence of the union of the New Haven Colony with Connecticut, in 1665. From this period, the power of the Commissioners was much restricted. Their executive functions ceasing and their office being only advisory, until under the changed condition and fast-increasing population, each Colony assumed a separate character, until the formation of the Confederation of the Thirteen Colonies under the Articles of Confederation of 1778.

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## DECLARATION OF INDEPENDENCE.

*A Declaration of the Representatives of the United States of America, in Congress assembled, July 4th, 1776.*

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires, that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these Colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military, independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitutions, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies.

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have

warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor. JOHN HANCOCK.

*New Hampshire*—Josiah Bartlett, William Whipple, Matthew Thornton. *Massachusetts Bay*—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry. *Rhode Island*—Stephen Hopkins, William Ellery. *Connecticut*—Roger Sherman, Samuel Huntingdon, Willian Williams, Oliver Wolcott. *New York*—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris. *New Jersey*—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark. *Pennsylvania*—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, Geo. Taylor, James Wilson, George Ross. *Delaware*—Cæsar Rodney, George Read, Thomas M'Kean. *Maryland* Samuel Chase, William Paca, Thomas Stone, Charles Carroll, of Carrollton. *Virginia*—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton. *North Carolina*—William Hooper, Joseph Hewes, John Penn. *South Carolina*—Edward Rutledge, Thomas Heyward, Jr., Tnomas Lynch, Jr., Arthur Middleton. *Georgia*—Burton Gwinnet, Lyman Hall, George Walton.

## ARTICLES OF CONFEDERATION.

*Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.*

ARTICLE 1. The style of this confederacy shall be, "*The United States of America.*"

ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ART. 3. The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all

the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively: provided, that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon the demand of the Governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offense.

§ 3. Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such a manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

§ 2. No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

§ 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committees of these States.

§ 4. In determining questions in the United States in Congress assembled, each State shall have one vote.

§ 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any Court or place out of Congress, and the members of Congress shall be protected in their persons, from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ART. 6. § 1. No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more States shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States, in Congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by Congress to the Courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a regular and well-disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by ene-

mies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against a Kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. 7. When land forces are raised by any State, for the common defense, all officers of, or under the rank of Colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. 9. § 1. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article: Of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing Courts for the trial of piracies and felonies committed on the high seas; and establishing Courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said Courts.

§ 2. The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise, between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a Court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the deter-

mination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the Court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such Court, or to appear or defend their claim or cause, the Court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case submitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the Supreme or Superior Court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

§ 4. The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers in the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "A Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided, that no person be allowed to serve in the office of President more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other

State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

§ 6. The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

§ 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ART. 10. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to invest them with; provided, that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. 11. Canada acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every State shall abide by the determination of the United States, in Congress assembled, in all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State.

And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union: Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective con-

stituents, that they shall abide by the determination of the United States, in Congress assembled, in all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands, in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the Independence of America.

*New Hampshire*—Josiah Bartlett, John Wentworth, Jr. *Massachusetts*—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovel, Samuel Holten. *Rhode Island, etc.*—William Ellery, Henry Marchant, John Collins. *Connecticut*—Roger Sherman, Samuel Huntingdon, Oliver Wolcott, Titus Hosmer, Andrew Adams. *New York*—Jas. Duane, Fra. Lewis, Wm. Duer, Gouv. Morris. *New Jersey*—Jno. Witherspoon, Nath. Scudder. *Pennsylvania*—Robert Morris, Daniel Roberdeau, Jona. Bayard Smith, William Clingan, Joseph Reed. *Delaware*—Thos. M'Kean, John Dickinson, Nicholas Van Dyke. *Maryland*—John Hanson, Daniel Carroll. *Virginia*—Richard Henry Lee, John Bannister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee. *North Carolina*—John Penn, Cons. Harnett, Jno. Williams. *South Carolina*—Henry Laurens, William Henry Drayton, Jno. Matthews, Richard Hutson, Thomas Heyward, Jr. *Georgia*—Jno. Walton, Edwd. Telfair, Edwd. Langworthy.

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## CONSTITUTION OF THE UNITED STATES.

[Went into operation on the first Wednesday in March, 1789. Osgood *v.* Speed, 5 Wh. 420.]

### PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

### OF THE LEGISLATIVE POWER.

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### OF THE HOUSE OF REPRESENTATIVES.

Sec. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

OF THE SENATE.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and have a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

MANNER OF ELECTING MEMBERS.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

CONGRESS TO ASSEMBLE ANNUALLY

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

POWERS.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting

COMPENSATION, ETC., OF MEMBERS.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

MANNER OF PASSING BILLS, ETC.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWER OF CONGRESS.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

LIMITATION OF THE POWERS OF CONGRESS.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

LIMITATION OF THE POWERS OF THE INDIVIDUAL STATES.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

### EXECUTIVE POWER.

SEC. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

### MANNER OF ELECTING.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant with the same State as themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

### TIME OF CHOOSING ELECTORS.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

### WHO ELIGIBLE.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

### WHEN THE PRESIDENT'S POWER DEVOLVES ON THE VICE-PRESIDENT.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

### PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

### OATH.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully

execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

POWERS AND DUTIES.

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

OFFICERS REMOVED.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

OF THE JUDICIARY.

SEC. 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

JURISDICTION OF SUPREME COURT.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

OF TRIALS FOR CRIMES.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

OF TREASON.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

STATE ACTS.

SEC. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

PRIVILEGES OF CITIZENS.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

RUNAWAYS TO BE DELIVERED UP.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due

NEW STATES.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

TERRITORIAL AND OTHER PROPERTY.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory, or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

## ARTICLE V.

AMENDMENTS.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth

clauses in the ninth Section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

### DEBTS.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

### SUPREME LAW OF THE LAND.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

### OATH.—NO RELIGIOUS TEST.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office, or public trust, under the United States.

## ARTICLE VII.

The ratifications of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
*President, and Deputy from Virginia.*

*New Hampshire*—John Langdon, Nicholas Gilman. *Massachusetts*—Nathaniel Gorham, Rufus King. *Connecticut*—William Samuel Johnson, Roger Sherman. *New York*—Alexander Hamilton. *New Jersey*—William Livingston, David Brearley, William Patterson, Jonathan Dayton. *Pennsylvania*—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimmons, Jared Ingersoll, James Wilson, Governeur Morris. *Delaware*—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom. *Maryland*—James M'Henry, Daniel of St. Tho. Jenifer, Daniel Carroll. *Virginia*—John Blair, James Madison, Jr. *North Carolina*—William Blount, Richard Dobbs Spaight, Hugh Williamson. *South Carolina*—John Rutledge, Chas. Cotesworth Pinckney, Charles Pinckney, Pierce Butler. *Georgia*—William Few, Abraham Baldwin.

*Attest* WILLIAM JACKSON, *Secretary.*

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# AMENDMENTS TO THE CONSTITUTION.

[The first ten amendments were proposed by Congress at their first session, in 1789. The eleventh was proposed in 1794, and the twelfth in 1803.]

## ARTICLE I.

### FREE EXERCISE OF RELIGION.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## ARTICLE II.

RIGHT TO BEAR ARMS.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

NO SOLDIER TO BE BILLETED, ETC.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV.

UNREASONABLE SEARCHES PROHIBITED.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ARTICLE V.

CRIMINAL PROCEEDINGS.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

## ARTICLE VI.

MODE OF TRIAL.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

## ARTICLE VII.

RIGHT OF TRIAL BY JURY.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any Court of the United States than according to the rules of the common law.

## ARTICLE VIII.

BAIL.—FINES.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

RIGHTS NOT ENUMERATED.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

POWERS RESERVED.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

## ARTICLE XI.

LIMITATION OF JUDICIAL POWER.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII.

ELECTION OF PRESIDENT.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representatives from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other Constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person Constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[Ratified in 1835.]

## ARTICLE XIII.

SECTION 1. Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

[Ratified in 1868.]

## ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States

according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; but whenever the right to vote at any election for electors of President and Vice-President, or United States Representatives in Congress, executive and judicial officers, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in that State.

SEC. 3. No person shall be a Senator or Representative in Congress, elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for the payment of pensions and bounties for service in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

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## CONSTITUTION OF THE CONFEDERATE STATES.

On the 11th of March, 1861, a "permanent" Constitution was adopted by the Confederate Congress. It followed and adopted in almost exact sections and language the Constitution of the United States. The parts in which it differs from that instrument, either by variation from or addition to, is here given, which, by comparing with the Constitution of the United States, will present the Confederate Constitution entire. In regulating the basis of representation, "three-fifths of all slaves" are enumerated:

"*The Congress of the Confederate States of America do enact:* That in order to provide speedily, forces to repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each State, and to secure the public tranquillity and independence against threatened assault, the President be and he is hereby authorized to employ the militia, military and naval forces of the Confederate States of America, and ask for and accept the services of any number of volunteers, not exceeding one hundred thousand, who may offer their services, either as cavalry, mounted rifle, artillery or infantry, in such proportion of these several arms as he may deem expedient, to serve for twelve months after they shall be mustered into service, unless sooner discharged—

"We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent Federal Government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

"The House of Representatives shall be composed of members chosen

every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

"The State of South Carolina shall be entitled to choose six, the State of Georgia ten, the State of Alabama nine, the State of Florida two, the State of Mississippi seven, the State of Louisiana six, and the State of Texas six.

"The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment, except that any judicial or other Confederate officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

"Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his Department.

"The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved, and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated, and the same proceeding shall then be had as in case of other bills disapproved by the President.

"No bounties shall be granted from the Treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry.

"Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes; but neither this nor any other clause contained in the Constitution shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors, and the removing of obstructions in river navigation, in all of which cases such duties shall be laid on the navigation facilitated thereby as may be necessary to pay the costs and expenses thereof.

"The importation of negroes of the African race from any foreign country, other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same. Congress shall also have power to prohibit the introduction of slaves from any State not a member of or Territory not belonging to this Confederacy.

"No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

"Congress shall appropriate no money from the Treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the Heads of Departments, and submitted to Congress by the President, or for the purpose of paying its own expenses and contingencies, or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

"All bills appropriating money shall specify in Federal currency the exact amount of each appropriation, and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent, or servant, after such contract shall have been made or such service rendered.

"Every law or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

"No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvment of its rivers and harbors navigated by the said vessels, but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus of revenue thus derived shall, after making such improvement, be paid into the common

treasury; nor shall any State keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

"No person except a natural born citizen of the Confederate States, or a citizen thereof at the time of the adoption of the Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

"The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

"The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate, shall be re-appointed to the same office during their ensuing recess.

"The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

"A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

"No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

"Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the laws thereof.

"The Confederate States may acquire new territory, and Congress shall have power to legislate and provide Governments for the inhabitants of all territory belonging to the Confederate States lying without the limits of the several States, and may permit them, at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory the institution of negro Slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial Government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

"Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the States to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made;

and should any of the proposed amendments to the Constitution be agreed on by the said Convention, voting by States, and the same be ratified by the Legislatures of two-thirds of the several States, or by Conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the General Convention—they shall thenceforward form a part of this Constitution.

"The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

"All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution as under the Provisional Government.

"The ratification of the Conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

"When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice-President, and for the meeting of the Electoral College, and for counting the votes and inaugurating the President. They shall also prescribe the time for holding the first election of Members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them, not extending beyond the time limited by the Constitution of the Provisional Government."

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